

**TOWN COUNCIL MEETING
November 3, 2014**

I. ROLL CALL

Town Council Members present:

Kristine S. Trocki, President
Mary E. Meagher, Vice President
Thomas P. Tighe
Eugene B. Mihaly
Blake A. Dickinson

Also present:

Andrew E. Nota, Town Administrator
Michael C. Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
Peter D. Ruggiero, Town Solicitor
David R. Petrarca, Jr., Assistant Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER; PLEDGE OF ALLEGIANCE

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 7:03 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and Councilor Dickinson led the Pledge of Allegiance.

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS AND RESOLUTIONS

None.

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

A motion was made by Eugene Mihaly with second by Blake Dickinson to convene as the Alcoholic Beverage Licensing Board and open the public hearing at 7:05 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

COUNCIL SITTING AS THE ALCOHOLIC BEVERAGE LICENSING BOARD

A) **NOTICE** is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, that the following **RENEWAL** applications have been received by the Town Council under said

Act, for the period December 1, 2014 to November 30, 2015 (duly advertised in the *Jamestown Press* October 9th and October 16th editions)

RENEWALS: Approval of Licenses by Class

President Trocki read the Class A (Package Store) – Retail renewal licenses. Councilor Tighe commented that neither of the license renewal applications contained the Fire Marshal’s signature. Town Administrator Nota explained the approval process that inspections are traditionally done prior to December 1st so that businesses can continue to operate. It was his suggestion the licenses be granted subject to all conditions and licenses not issued until all conditions are met, or the renewals can be continued to the second meeting of the month, when the new Council and Town officers are sworn-in. Councilor Tighe prefers that license renewals be held until the second meeting and until such time as all approvals are in order.

The Clerk was asked what licenses have all approvals, and the four licenses that had all approvals were referenced.

Bill Wilson of Tunstall, LLC, Grapes & Gourmet, expressed concern that inspections may not be completed by the November 17th meeting. Town Administrator Nota stated Fire Department officials should complete inspections by that date. Discussion ensued of conditional approval of licenses subject to compliance with all conditions at the November 17th meeting.

A motion was made by Thomas Tighe with second by Blake Dickinson to continue the public hearing to the November 17th agenda at 7:00 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

President Trocki stated it has been this Council’s policy not to approve any licenses until all required signatures are in order.

A motion was made by Blake Dickinson with second by Thomas Tighe to adjourn as the Alcoholic Beverage Licensing Board and reconvene the regular meeting at 7:14 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to move up the license approvals on the Consent Agenda to the next item to be addressed. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

X. CONSENT AGENDA

H) Victualing-License renewal applications (December 1, 2014–November 30, 2015)
18) MJ, Inc. dba: **Jamestown Mercantile,*** 16 Narragansett Avenue

Proprietor: Michael Jacquard (*New)

A motion was made by Eugene Mihaly with second by Mary Meagher to approve the new Victualing license for MJ, Inc. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

I) Holiday License:

- 1) MJ, Inc. dba: **Jamestown Mercantile**,* 16 Narragansett Avenue
Proprietor, Michael Jacquard (*New)

A motion was made by Eugene Mihaly with second by Mary Meagher to approve the new Holiday license for MJ, Inc. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

J) Entertainment License:

- 1) Jamestown Recreation Department, 41 Conanicus Avenue

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the Entertainment License for the Jamestown Recreation Department. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

K) One Day Event/Entertainment License Application

- 1) Applicant: Conanicut Island Art Association
Event: Annual Holiday Craft Show
Date: December 6, 2014
Location: Lawn Avenue School

A motion was made by Eugene Mihaly with second by Blake Dickinson to approve the One Day Event/ Entertainment License. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Thomas Tighe to move the remaining licenses to the November 17, 2014 agenda at 7:00 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

V. OPEN FORUM

Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue.

A) Scheduled to Address. None.

B) Non-scheduled to Address.

Steve Hogan of Scenic Drive in Cranston, Treasurer of the RI Revolver and Rifle Association, provided RI General Laws §11-47-8 and §11-47-50 to Council members, referenced his credentials, and stated he is here this evening on behalf of several islanders who are shooting on private property with berms. The local newspaper article regarding shooting on private property in Jamestown was referenced. Residents contacted him stating they were asked by Police not to shoot on their property, which they did voluntarily. Mr. Hogan referenced the RI General Laws stating that control of firearms rests solely with the State and the need for preemption. Any city or town ordinance regulating the use of firearms must go through the RI Legislature. RIGL §11-47-50 Firing without landowner's permission – Firing in compact area was referenced and explained. Mr. Hogan referenced the deer tick reduction plan allowing hunting on town-owned land and stated regulation of shooting could have a negative effect on deer herd reduction. He does not consider a 2, 5, or 15 acre parcel of land as a compact area, and agrees with regulation in the downtown area. Mr. Hogan thanked the Council for the opportunity to speak this evening.

President Trocki stated as this is Open Forum the Council cannot address the issue and can only listen to his comments. When this issue appears on an agenda would be the time for an open discussion.

Mr. Hogan commented on shooting on private and public shooting ranges and the bounty on deer in the Jamestown Hunting Cooperative Plan. Mr. Dickinson added a note of clarity to Mr. Hogan's comments stating the Town does not have a bounty on deer, but rather a reimbursement for processing the second deer. Town Administrator Nota commented on Mr. Hogan's statements and invited him to call the Town Administrator's Office to discuss what Town staff is currently working on.

Gayen Thompson of Grinnell Street referenced per prior questions regarding the statement printed on all Town agendas "This meeting location is accessible to the physically challenged."

Town Administrator Nota commented on ADA compliance issues at Town facilities, gave examples of areas for improvement, and the degrees of compliance and reasonable accommodations that can be provided. There is a need for some improvement in public buildings, and he gave assurance major improvements are underway to alleviate barriers.

Ms. Thompson referenced the 1992 ADA laws enacted to grant independent access to public buildings. Our locations attempt to be accessible, but each disability differs and she would like the statement amended to state we are working on improving accessibility.

President Trocki thanked Ms. Thompson for her comments.

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

- A) Administrator's Report: Town Administrator Andrew E. Nota
1) ADA Accessibility Update. This was addressed previously.

- 2) Facility and Community Improvements.

Fort Wetherill. Mr. Nota stated he couldn't be happier with work at Fort Wetherill by the Public Works Department and Parks and Recreation Department. The public is very pleased and supportive as well. The first coat of paint should be completed before winter, and the building has been emptied for use as a storage facility. The staff of both departments was thanked for their good work.

Town Hall. The exterior of the facility is being painted, and the job should be completed by the end of the week.

School Playfields. The staff decided to hold off until spring to improve the six tennis courts, beginning in April with completion in May.

Road Paving. Paving is finished for the season. Recently Melrose Avenue, Bayberry Drive (with total reconstruction), and the Transfer Station and its entry way were completed. Paving will resume again next July. The Town made significant headway with paving this year.

- 3) Town Ordinance Review
- Chapter 10 Animals
 - Chapter 70 Traffic and Vehicles
 - Chapter 38 Offenses and Miscellaneous Offenses
 - Chapter 22 Environment – Noise

The four sections are under review by Town staff.

- 4) Rental Properties.

On October 17th eight residents met with Town Administrator Nota to review concerns regarding short term rentals in their neighborhoods. The concerns are already being reviewed by town staff and are under ordinance review. This will be reviewed to determine whether the issue should be under Planning Commission review. We are waiting to hear from the real estate contingency. This is an ongoing discussion, with update in the coming months.

- 5) Community Meetings
- Jamestown Shores Association Meeting October 22, 7:00 p.m. at the Library - 30 residents attended.
 - Jamestown Taxpayers Association Meeting, November 12, 6:30 p.m. - Library

- 6) Town Leases

The Town's three marina leases are coming due for either full renegotiation or limited renewal renegotiation in the next year. The schedule is as follows:

East Ferry. June 6, 2015 – expiration of a 10-year renewal agreement

Fort Wetherill. 7-year lease expires September 30, 2015, with an option for a 5-year renewal.

West Ferry. 7-year lease expires on December 31, 2015 with an option for a 5-year renewal.

Town Administration plans a full commercial market rental appraisal for the three properties and discussion of the overall policy for management of the leases with the Council prior to negotiations. The golf course lease expires in 2016.

7) Portuguese American Citizens Club (PAC) Property.

Town Administration plans to meet with the new Council in November to discuss the possible next steps to review the property for potential acquisition.

8) Bike Path Project Update.

An image of the proposed cross island connector was displayed. Ongoing discussions of the Bike Path project go back to 2001 when the Jamestown Bridge Bicycle Access project was included in the Transportation Improvement Program (TIP) for study and development. The project was extended and in FY 2006-2007 was listed as the Bridge Pathway project (under TIP) for construction in 2008 as the first phase of the Conanicut Island Greenway Trail System. In 2008 the Town created the North Road Bike Path Committee to assist with the process. The project was modified to a cross island pathway at the North Reservoir property exiting at the Community Farm. The Committee submitted the Bike Path Final Design Report, and in 2009, the TIP still reflected the project as the Conanicut Island Bike/Pedestrian Trail under Study and Development. In 2011 RIDOT agreed the cross island connector was a valuable component of the overall project and agreed to include it in the TIP, subject to successful project development and permitting at the local level. Bike Path elements have been included in the town's annual review of the Capital Program and a \$50,000 request made in anticipation of the FY 2014-2015 fiscal year to complete design work (not funded). In 2012 the Town hired a consultant to develop a design for submission of a wetlands application to RIDEM, and a permit was approved in October 2013. Funding will be considered in order to move this phase forward in the upcoming budget cycle. \$25,000 will be needed for archaeological investigation and \$25,000 to complete the bridge design. The estimate to complete 90% of the design engineering was \$75,000 (January 2014). The Town faces several decisions in the next budget review, including whether to continue to seek TIP support (with no reliable timeline) or independently move forward to provide local funding to install the cross island connector and bridge (just over ½ mile) as an element for future development of a larger bike path plan. Discussion continued.

Councilor Dickinson noted the Town does not own the reservoir property as it belongs to the water customers, and asked if they have had any input on the project. He asked about the plan to pave the North Road area. Mr. Nota stated there are four phases, and drainage was in the first phase, and paving in the next phase. Discussion continued. Councilor Mihaly suggested seeking private support for the modest plan outlined by Town Administrator Nota.

Public Works Director Michael Gray explained the project that included two segments of North Road, a total of 6,000 linear feet, to create a sense of connecting the neighborhoods. The major issue is collection and treatment of stormwater and drainage work should be performed prior to any paving. It is recommended that pavement management includes smaller projects so that portions can be done. They are currently working on a survey of North Road, and there will be explanation during the budget process. Discussion continued. North Road is a difficult road to travel, and this is a multi-year endeavor estimated to cost \$200,000 annually. President Trocki stated more discussion with the new Council is needed during budget season.

Vice President Meagher thanked Town Administrator Nota for the excellent report, as it gives us a sense of what is happening. We don't know who will be here after tomorrow, and we know the Town is in good hands with Andy. She also thanked the staff, department heads, all the employees, volunteers, and the Solicitors, who are the community support system. Ms. Meagher thanked the Council and added it has been a pleasure serving with her fellow Council members. We have been through difficult times and the ability and character of the Council showed through, and she wished good luck tomorrow in the election. The other Council members concur.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

- A) Set meeting date for:
- 1) Pre-budget work session and pension suit discussion with School Committee

Mr. Nota stated the School Committee responded their availability on Tuesday, December 4, 2014 at 5:30 p.m. prior to their regular meeting. There are two issues to be addressed; the first would be an executive session regarding the pension suit, which needs a response by December 15th, followed by the annual pre-budget work session. Discussion ensued. Council members may have a conflict with the date. This issue will be continued to the November 17th agenda and addressed at that time.

- 2) Seating of new Town Council and Installation of Officers. The date proposed is November 17, 2014 at 7:00 p.m. The date and time is set.

- 3) Water and Sewer Commissioners Meeting and agenda setting work session.

A motion was made by Mary Meagher with second by Eugene Mihaly to schedule the Water and Sewer meeting and agenda setting work session for Monday, November 24, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- B) Awarding of Bids for Public Works Department
 - 1) New 2015 Four Wheel Drive Pick-up Truck and Plow to Flood Ford of East Greenwich for an amount not to exceed \$34,711 as bid as recommended by Public Works Director Michael Gray

A motion was made by Eugene Mihaly with second by Mary Meagher to award the bid to Flood Ford of East Greenwich as recommended. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) New 2015 Four Wheel Drive Dump Truck and Plow to Flood Ford of East Greenwich for an amount not to exceed \$65,417 as bid as recommended by Public Works Director Michael Gray

A motion was made by Mary Meagher with second by Thomas Tighe to award the bid to Flood Ford of East Greenwich as recommended. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 3) New 2015 Four Wheel Drive Platform Dump Truck and Plow, including add alternate for Dump Through Lift Gate to Flood Ford of East Greenwich for an amount not to exceed \$72,242 as bid as recommended by Public Works Director Michael Gray

A motion was made by Mary Meagher with second by Thomas Tighe to award the bid to Flood Ford of East Greenwich as recommended. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

IX. ORDINANCES AND APPOINTMENTS

- A) Appointments
 - 1) Tick Task Force
 - a) Non-Resident Notice (Per Jamestown Town Charter Sec. 1001 Qualifications and Duties – All members of Boards, Commissions and Committees shall be qualified electors and residents of the Town)

- i) Jemma Craig

Jemma Craig has moved out of town. The next Council should determine whether this Committee continues as a regular committee with term expirations. A letter of thanks will be sent to Jemma for her services.

X. CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if had been acted upon separately.

A motion was made by Eugene Mihaly with second by Mary Meagher to accept the Consent Agenda. President Trocki, Aye; Vice President Meagher, Absent; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
 - 1) October 6, 2014 (regular meeting)
 - 2) October 6, 2014 (executive session)
 - 3) October 20, 2014 (special meeting)
 - 4) October 20, 2014 (executive session)
 - 5) October 20, 2014 (work session)
 - 6) October 29, 2014 (work session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Conservation Commission (07/10/2014)
 - 2) Jamestown Conservation Commission (09/18/2014)
 - 3) Jamestown Harbor Commission (09/10/2014)
 - 4) Jamestown Philomenian Library Board of Trustees (05/13/2014)
 - 5) Jamestown Philomenian Library Board of Trustees (07/08/2014)
 - 6) Jamestown Philomenian Library Board of Trustees (07/22/2014)
 - 7) Jamestown Philomenian Library Board of Trustees (09/09/2014)
 - 8) Jamestown Planning Commission (09/17/2014)
 - 9) Jamestown Planning Commission (10/01/2014)
 - 10) Jamestown Tax Assessment Board of Review (01/24/2013)
 - 11) Jamestown Tax Assessment Board of Review (11/08/2013)
 - 12) Jamestown Tax Assessment Board of Review (12/02/2013)
 - 13) Jamestown Tax Assessment Board of Review (12/16/2013)
 - 14) Jamestown Tax Assessment Board of Review (01/06/2014)
 - 15) Jamestown Tax Assessment Board of Review (01/13/2014)
 - 16) Jamestown Tax Assessment Board of Review (01/22/2014)
 - 17) Jamestown Tax Assessment Board of Review (01/27/2014)
 - 18) Jamestown Tax Assessment Board of Review (02/04/2014)
 - 19) Jamestown Tax Assessment Board of Review (02/10/2014)
 - 20) Jamestown Tax Assessment Board of Review (02/12/2014)
 - 21) Jamestown Tree Preservation & Protection Committee (09/14/2014)

- 22) Jamestown Zoning Board of Review (06/24/2014)
- C) CRMC Notices
- 1) Public Notice: Assent of Town of Jamestown to construct and maintain a shoreline protection facility (approximately 400' of rip rap revetment) at Bay Bay View Drive, described as Plat 8 Lot 338
 - 2) Public Notice: Assent of Thomas and Diann Uustal to repair (approximately 115') existing stone revetment and add (approximately 95') new stone revetment to provide shoreline protection at Orient Avenue, described as Plat 1 Lot 297
 - 3) Public Notice: Proposed Amendments to CRMC Program Table 1 - Water Type 6 Matrix and Sections 110 & 210.3; public hearing November 25, 2014, with written comments due November 10, 2014
 - 4) November 2014 Calendar
- D) Zoning Board of Review abutter notifications:
- 1) Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing October 28, 2014 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following: Application of Mark Smith (Lewis Vigars, owner) whose property is located at Starboard Ave., and further identified as Assessor's Plat 15 Lot 108 for a special use permit from Article 3 Section 82-314C (High groundwater table & impervious layer overlay district) to allow construction of a single family dwelling and a 2 bedroom Onsite Wastewater Treatment System. Said property is located in a R-40 zone and contains 8,899 sq. ft.
 - 2) Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing October 28, 2014 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following: Application of Eric Bottaro whose property is located at Seaside Drive, and further identified as Assessor's Plat 15 Lot 215 for a special use permit from Article 3 Section 82-314C (High groundwater table & impervious layer overlay district) to allow construction of a single family dwelling and a 4 bedroom Onsite Wastewater Treatment System. Applicant also seeks a dimensional variance from Article 3 Table 3-2 (District Dimensional Regulations) to allow construction of said house 30.5 ft. from the westerly lot line (Seaside Dr.) instead of the required 40 ft. and 23.2 ft from the easterly lot line (Beach Ave.) instead of the required 30 ft. Said property is located in a R-40 zone and contains 25,668 sq. ft.
 - 3) Notice is hereby given that the Jamestown Zoning Board of Review will hold a public hearing October 28, 2014 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI at 7:00 p.m. upon the following: Application of Robert Nelson & Thomas Uustal whose property is located at the corner of Garboard St. & Dolphin Ave., and further identified as Assessor's Plat 15 Lot 319 for a special use permit from Article 3 Section 82-314C (High groundwater table & impervious layer overlay district) to allow construction of a single family dwelling and a 4 bedroom Onsite

Wastewater Treatment System. Said property is located in a R-40 zone and contains 21,600 sq. ft.

- E) Resolutions and Proclamations of other RI cities and towns
 - 1) Resolution the Gloucester Town Council re: In opposition to RIGL §44-3-3 (9) Taxation – exemption from taxation for Brown University and its professors
 - 2) Resolution of the Newport City Council re: In support of Question #5 on the November ballot and encourages voters of Newport and RI to approve it
- F) Abatements/Addenda of Taxes

XI. COMMUNICATIONS AND PETITIONS

President Trocki thanked Conservation Commission Chair Maureen Coleman for writing the nice letter thanking people for their hard work, including Justin Jobin, and for her nice letter to the Jamestown Youth Litter Corps. The people on Bayberry Road should be happy now that their road is paved.

The Communications accepted consists of the following:

- A) Communications
 - 1) Memorandum of Jamestown Conservation Commission Chair Maureen Coleman congratulating Justin Jobin for completion of the installation of signage and GIS work to map and identify more than 80 protected properties in the Jamestown Shores area
 - 2) Memorandum of Jamestown Conservation Commission Chair Maureen Coleman recognizing accomplishments of the 2014 Jamestown Youth Litter and Conservation Corps and their efforts to control litter at community parks, rights-of-way, shorelines and open spaces
 - 3) Letter with signed petition of Bayberry Road residents requesting the resurfacing and repaving of Bayberry Road
- B) Petitions
 - 1) Pole Petition: Verizon New England and the Narragansett Electric Company
 - a) High Street and Green Lane: to place new push brace 10PB against existing Pole P.10X located on the northerly side of High Street and the Easterly side of Green Lane (as shown on attached plan)
 - i) Recommendation for approval by Public Works Director Michael Gray

A motion was made by Thomas Tighe with second by Mary Meagher to approve the Pole Petition as recommended. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

XII. EXECUTIVE SESSION

None.

XIII. ADJOURNMENT

A motion was made by Eugene Mihaly with second by Mary Meagher to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The regular meeting was adjourned at 8:16 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Interim Town Administrator
 Town Administrator
 Town Solicitor