

TOWN COUNCIL MEETING
May 18, 2015

I. ROLL CALL

Town Council members present:

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

Town Council members absent:

Michael G. White

Also in attendance:

Andrew E. Nota, Town Administrator
Peter D. Ruggiero, Town Solicitor
Christina D. Collins, Finance Director
Edward A. Mello, Police Chief
James Bryer, Fire Chief
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Cheryl A. Fernstrom, Town Clerk

President Trocki acknowledged the members of Boy Scout Troop 1 in attendance this evening observing this meeting as part of their citizenship project and invited them to ask questions at any time during the meeting.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 7:42 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, RESOLUTIONS
AND PROCLAMATIONS**

A) Proclamations

1) No. 2015-11 Graduates Week, June 21-27, 2015

President Trocki read the Proclamation.

A motion was made by Vice President Meagher with second by Councilor Dickinson to adopt Proclamation No. 2015-11 Graduates Week. President Trocki, Aye; Vice

President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

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) Council Sitting as the Alcoholic Beverage Licensing Board 7:45

A motion was made by Vice President Meagher with second by Councilor Dickinson to convene as the Alcoholic Beverage Licensing Board at 7:45 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

- 1) Request a motion that the application listed below will be in order for hearing at a meeting of the Town Council sitting as the Alcoholic Beverage Licensing Board on Monday, June 8, 2015 at 7:00 p.m. and advertised in the Jamestown Press, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, for an **EXPANSION OF USE** under said Act, for the period June 8, 2015 to November 30, 2015:

CLASS B – VICTUALER

ESJ, Inc.

Db: Simpatico Jamestown
13 Narragansett Avenue
Jamestown, RI 02835

A motion was made by Vice President Meagher with second by Councilor Dickinson to proceed to advertise for public hearing on the Class – B Victualer Expansion of Use application. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

Due to the time sensitivity the Council was asked if they were comfortable holding a special meeting to address the two liquor license public hearings on June 8th prior to the Water and Sewer Meeting. The Town Council Special Meeting will be at 5:00 p.m. followed by the Water and Sewer Commissioners Meeting at 5:15 p.m.

- 2) **Request for a motion** that the application listed below will be in order for hearing at a meeting of the Town Council sitting as the Alcoholic Beverage Licensing Board on Monday, June 8, 2015 at 7:00 p.m. and advertised in the Jamestown Press, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, for a **TRANSFER** under said Act, for the period June 8, 2015 to November 30, 2015:

FROM:

CLASS B – VICTUALER

Jamestown Oyster Bar, Inc.
dba: Jamestown Oyster Bar
22 Narragansett Avenue
Jamestown, RI 02835

TO:

CLASS B – VICTUALER

KALI, LLC
Dba: J Twenty-Two & the Unmarked Door
22 Narragansett Avenue
Jamestown, RI 02835

A motion was made by Vice President Meagher with second by Councilor Dickinson to proceed to advertise for public hearing on the Class – B Victualer Transfer application at the Monday, June 8, 2015 Special Town Council Meeting at 5:00 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

A motion was made by Vice President Meagher with second by Councilor Dickinson to adjourn as the Alcoholic Beverage Licensing Board at 7:51 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

B) Public Hearing:

- 1) Proposed Amendment of the Jamestown Comprehensive Harbor Management Plan Chapter II. Jamestown (Conanicut Island) Description B. Administrative Divisions: Waters of Jamestown; D. Water Quality/Water Type; and H. References; duly advertised in the *Jamestown Press* May 7, 2015 edition

A motion was made by Vice President Meagher with second by Councilor Dickinson to open the public hearing for amendment of the Harbor Management Plan at 7:51 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

Chief Mello explained the revised language required for CRMC and RIDEM compliance specific to the number of pump out facilities for mooring and marina, the requirement that any long-term reduction in such facilities requires an amendment to the Harbor Management Plan, and specifies the operator and location for the pump out facilities. Upon adoption of the amendment RIDEM will issue a Water Quality Certification, the last step in the process to receive approval from CRMC for the Comprehensive Harbor Management Plan.

Council comments. None.

Public comments. None

A motion was made by Vice President Meagher with second by Councilor Dickinson to accept the Harbor Management Plan revisions as written and close the public hearing at 7:54 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

C) One Day Event/Entertainment License, continued from May 4, 2015

- 1) Applicant: Manuka Sports Event Management
- Event: Race the State
- Date: August 9, 2015
- Location: Mackerel Cove, Beavertail Road, Sheffield Cove

Hugh Piggini of the for-profit entity Manuka Sports Event Management gave overview of the “Race the State” that begins at South Shore Beach, Little Compton running to Harbor Boat Launch, Little Compton, paddling to Third Beach in Middletown, then running to Fort Adams State Park in Newport, kayaking to Mackerel Cove in Jamestown and crossing Beavertail Road to Sheffield Cove and resuming kayaking to South Ferry Road in Narragansett, and continuing by bike to Wilcox Park in Westerly to end the race. Town Administrator Nota reported on his meeting with Mr. Piggini and Chief Mello last Friday to review the event and areas of concern. Mr. Nota and Chief Mello are comfortable supporting the event for this year. After the race review will determine its value and impact to Jamestown residents on a Sunday and whether it should be approved in the future. Discussion ensued.

President Trocki expressed concern for crossing the fragile dunes at Mackerel Cove, restored by volunteers after Hurricane Sandy, and its environmental impact. If the Town Administrator and Police Chief feel they can handle it, she is not opposed, and recommends approval subject to the satisfaction of the Town Administrator and Police Chief.

A motion was made by Councilor Dickinson with second by Vice President Meagher to approve the One Day Event License application of Manuka Sports for the “Race the State” on August 9th subject to approval by the Town Administrator. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

A motion was made by Vice President Meagher with second by Councilor Dickinson to close the public hearing at 8:00 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, 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. None.

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

- A) Administrator's Report: Town Administrator Andrew E. Nota.

The Town Administrator's report covered the following:

Update on the motions for the Financial Town Meeting that included finalizing language on two resolutions filed by Jamestown residents William Brennan and Edward Sierra. The Resolutions were formatted, are accurate, and will appear as an FTM Resolution as they comply with Section 1106 of the Home Rule Charter. This makes eight (8) Resolutions in total, six (6) Town Resolutions and the two proposed Resolutions. The Resolution submitted by Frank D'Orsi did not fit the guidelines set for the in the Charter. He has the ability to craft a motion at the FTM to be voted by the electors present.

Councilor Dickinson asked about the line items for debt service for the PAC (\$43,000) and Fire Department Expansion Project (\$47,500). Mr. Nota confirmed they are still in the budget and could be used for road paving. Solicitor Ruggiero stated the Town Administrator could come back to the Council after the FTM for a reallocation of the funding or it could be left and not spent. Discussion continued.

- B) Tax Assessment Board of Review Annual Report

President Trocki noted the appeals are ongoing with two successful appeals. The unknown outcome of the appeal process precipitated the 1¢ addition to the tax rate. Potentially there could be \$35,000 of additional revenue when the cases are settled.

- C) Conservation Commission Annual Report

Town Administrator Nota stated the Conservation Commission is not in attendance and would like to review their report with Council. This item will be placed on a future agenda.

VII. UNFINISHED BUSINESS

- A) Affordable Housing Rules and Regulations; discussion and/or potential action and/or vote to approve; continued from 05/04/2015

The Rules and Regulations were revised after the May 4th meeting discussion. The revised draft is before the Council for review and approval and this is specific to the \$400,000 revolving fund for affordable housing initiatives approved by the Council. Multiple requests appear later in the agenda; staff is comfortable with the rewrite.

A motion was made by Vice President Meagher with second by Councilor Dickinson to approve the Affordable Housing Rules and Regulations.

Discussion. This is in keeping with the intended nature of the agreement; the rules and regulations are very well done.

Back to the vote on the motion. **President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.**

B) Jamestown Charter Review Committee: Approval of revised Committee Charge
The Committee Charge was revised to reflect the number of members and non-voting members resulting from the Town Council vote at the May 4, 2015 meeting..

A motion was made by Vice President Meagher with second by Councilor Dickinson to accept the revised Charter Review Committee Charge. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

C) Schedule of Meetings and Events; review, discussion, and/or potential action and/or vote to set dates

1) Liquor License public hearings – addressed previously.

Mr. Nota wants Council members to be comfortable with the revised schedule of meetings. Discussion ensued of the FTM on June 1st at 7:00 p.m.; Water and Sewer meeting on June 8th at 5:15 p.m. preceded by the special meeting at 5:00 p.m.; no Council meeting on June 15th; Water and Sewer meeting on June 22nd at 6:00 p.m. followed by the regular Council meeting at 7:00 p.m. One meeting in the months of July and August are slated, unless there is a need for an additional meeting.

2) Interviews for Board/Commission/Committee Vacancies.

Interviews will be scheduled prior to the July meeting.

VIII. NEW BUSINESS

A) Church Community Housing Corporation Affordable Housing – 147 Beach Avenue; discussion and/or action and/or vote to approve the following:

1) Request for release of funding from the Jamestown Affordable Housing Trust Fund as awarded by the Town Council on September 2, 2014

A motion was made by Vice President Meagher with second by Councilor Dickinson to approve the request for release of funding from the Jamestown Affordable Housing Trust Fund, which is a grant, for \$72,000. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

2) Temporary funding request in the amount of \$70,000 for 147 Beach Avenue to be replaced when CDBG funds are received in the near future

A motion was made by Vice President Meagher with second by Councilor Dickinson to grant the request for the gap loan, to be paid back when CDBG funding is received. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

- 3) Request for a repayable construction loan from the Jamestown Affordable Housing Trust Fund in the amount of \$122,632.

Christian Belden of Church Community Housing Corporation stated they are asking for funding for renovations to the property which will take about six months to complete. The closing is slated for the end of the month. Mr. Belden was asked if Church Community could wait until the next meeting for Council decision on this request, and Mr. Belden stated they could.

A motion was made by Vice President Meagher with second by Councilor Dickinson to postpone action on this agenda item to the June 22nd meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

- B) Antonio Pinheiro: Request for Town Council permission to place a portable tidal powered up-weller system at the Fort Getty Dock, required by CRMC as part of the aquaculture project application

Mr. Pinheiro of Beacon Avenue is in attendance and explained his request and proposed oyster project, stating he must obtain town permission for the portable tidal powered up-weller at the Fort Getty dock before proceeding with the application to CRMC. Mr. Pinheiro gave a brief overview of the proposed project that will operate during summer months. Mr. Pinheiro is before the Council as directed by the Harbor Commission.

Chief Mello stated the current Harbor Ordinance does not speak to this type of activity. By policy is this something the town wants to permit going forward? If so, current ordinances need to be reviewed. Town Administrator Nota stated this is a different concept from storing a boat at the dock. Neither CRMC regulations nor Town ordinances address the up-weller or docking of a vessel for commercial purposes. It is his recommendation the Council take no action at this time and communicate with Dave Beutel of CRMC for direction. Mr. Pinheiro stated he was advised by CRMC he needed Council approval first and his request is for what he needs to make his business a success. The Council requests to continue this agenda item to June 22nd to vet the matter. Town Administrator Nota will communicate with the Harbor Commission and CRMC and report back to Council on June 22. Discussion ensued.

A motion was made by Councilor Tighe with second by Councilor Dickinson to move this discussion to the June 22nd Town Council Meeting.

Discussion. Mr. Pinheiro requests this item be placed on the June 8th agenda. He was informed it would be impossible to fully investigate the issues prior to June 22nd. Mr. Pinheiro asked to review the project with the Town Administrator. He was advised it is going to take some time to get ordinances amended with proper review and CRMC approval. Council members stated no one is objecting to the process but we need time to make an informed decision.

Back to the vote on the motion. **President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.**

C) Agenda items for the June 8, 2015/June 22, 2015 Town Council Meetings: Addressed previously.

IX. ORDINANCES AND APPOINTMENTS AND VACANCIES

A) Ordinance

- 1) Amendment of the Jamestown Code of Ordinances Chapter 70 Traffic and Vehicles Article IV. Stopping, Standing and Parking Sec. 70-87 Prohibited or Restricted Parking on Streets; Sec. 70-91 Jamestown Resident Overnight Parking Program (add new); Sec. 70-92 Parking Restriction Waiver (add new); discussion and/or potential action and/or vote to proceed to advertise in the *Jamestown Press* for public hearing on June 22, 2015

Councilor Tighe noted public review at Traffic Committee meetings that resulted in the ordinance revision proposed for public hearing. .

A motion was made by Councilor Dickinson with second by Vice President Meagher to proceed to advertise for public hearing on the amendment to the Code of Ordinances Chapter 70. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

X. CONSENT AGENDA

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

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

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
 - 1) May 4, 2015 (regular meeting)
 - 2) May 4, 2015 (executive session)

- 3) May 13, 2015 (fire station public information session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (02/10/2015)
 - 2) Jamestown Board of Canvassers (04/07/2015)
 - 3) Jamestown Philomenian Library Board of Trustees (03/10/2015)
 - 4) Jamestown Planning Commission (03/18/2015)
 - 5) Jamestown Planning Commission (04/15/2015)
 - 6) Jamestown Tax Assessment Board of Review (01/09/2015)
 - 7) Jamestown Tax Assessment Board of Review (04/27/2015)
- C) CRMC Notices
 - 1) Amended May 2015 Calendar
- D) Abatements/Addenda of Taxes
 - Property - Plat 8 Lot 79 - \$3,304.50
 - Motor Vehicle - \$29.79
- A) One Day Event/Entertainment License Applications
 - 1) Applicant: Arnold Zweir Post 22 American Legion
 Event: Annual Memorial Day Parade
 Date: May 25, 2015
 Location: Watson Avenue/North Road/Cemetery/Narragansett Avenue/Veterans' Square
 - 2) Applicant: Humane Society of Jamestown
 Event: Memorial Day Parade Sale
 Date: May 25, 2015
 Location: 1 North Road
 - 3) Applicant: Dottie Murphy
 Event: Goddard/Schwartz Wedding
 Date: July 4, 2015
 Location: Fort Getty Pavilion
 - 4) Applicant: Save The Bay
 Event: 39th Annual Save the Bay Swim
 Date: July 11, 2015
 Location: RI Turnpike and Bridge Authority Lawn
 - 5) Applicant: John A. Murphy
 Event: Walsh/Gardner Wedding
 Date: August 14, 2015
 Location: Fort Getty Pavilion
 - 6) Applicant: Jamestown Historical Society
 Event: Battery Day
 Date: June 6, 2015
 Location: Battery Lane
 - 7) Applicant: RI Turnpike and Bridge Authority
 Event: Citizens Bank Pell Bridge Run
 Date: October 25, 2015
 Location: Freebody Drive to Pell Bridge
 - 8) Applicant: Jamestown School Department

- Event: Jamestown School Graduation Dance
- Date: June 25, 2015
- Location: Fort Getty Pavilion
- 9) Applicant: Jamestown Golf Course/Jon Mistowski
- Event: 14th Annual Golf Tournament to benefit OSPHC
- Date: September 13, 2015
- Location: Jamestown Golf Course
- 10) Applicant: Central Baptist Church
- Event: June Festival
- Date: June 20, 2015
- Location: 99 Narragansett Avenue
- B) Holiday License Renewal Application
 - 1) Zeek's Bait & Tackle, Inc. dba: Zeek's Bait & Tackle
 - Location: 194 North Road
 - 2) Alfred B. Bingell dba: House of Pizza
 - Location: 23 Narragansett Avenue
- C) Holiday and Peddler License Renewal Application
 - 1) Alfred B. Bingell dba: Freddie Bing's Hotdog Thing (cart)
 - Location: East Ferry (north of RIPTA bus stop)

XI. COMMUNICATIONS AND PETITIONS

A motion was made by Vice President Meagher with second by Councilor Tighe to approve the request of Board of Canvassers Clerk Karen Montoya outlined in Communication 1). President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

A motion was made by Vice President Meagher with second by Councilor Dickinson to accept the Communications. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

The Communications approved consist of the following:

- A) Communications
 - 1) Memorandum of Board of Canvassers Clerk Karen Montoya requesting Town Council permission to contact party chairs for a list of nominations to fill the Board of Canvassers vacancy, pursuant to RIGL §17-8-1, 2, & 5
 - 2) Letter of RI Department of Revenue Division of Municipal Finance Chief Susanne Greschner with finding the Town of Jamestown Notice of Proposed Property Tax Rate Change for FY 2015-2016 concurs with the Procedures and Standards for Property Tax and Fiscal Disclosure for RI Cities and Towns and is hereby approved

XII. EXECUTIVE SESSION

The Town Council may seek to go into Executive Session to discuss the following items:

- A) Pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining (IBPO negotiations); discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Councilor Dickinson with second by Councilor Tighe to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) to discuss Collective Bargaining at 8:49 p.m.

Pursuant to RIGL §42-46-5(a) Subsection (2) Pending Litigation and Collective Bargaining and Subsection (1) Personnel the following vote was taken: President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

The Jamestown Town Council reconvened the regular meeting at 9:39 p.m. President Trocki announced that no votes were taken in the Executive Session.

A motion was made by Vice President Meagher with second by Councilor Tighe to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.

XIII. ADJOURNMENT

A motion was made by Councilor Tighe with second by Vice President Meagher to adjourn. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Absent; Councilor Tighe, Aye.

The regular meeting was adjourned at 9:40 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Solicitor