

**TOWN COUNCIL MEETING**  
**September 8, 2015**

**I. ROLL CALL**

Town Council members present:

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

Also in attendance:

Andrew E. Nota, Town Administrator  
Peter D. Ruggiero, Town Solicitor  
Christina D. Collins, Finance Director  
Lisa Bryer, Town Planner  
Michael C. Gray, Public Works Director  
Michael Swistak, Planning Commission Chair  
Edward A. Mello, Police Chief  
Cathy Kaiser, School Committee Chair  
Arlene D. Petit, Charter Commission Chair  
Representative Doreen Costa  
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 7:01 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**

A) Proclamation

1) No. 2015-14 “September as Childhood Cancer Awareness Month”

The Proclamation was read by President Trocki.

**A motion was made by Vice President Meagher with second by Councilor White to approve the Proclamation. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

B) Resolution

1) No. 2015-15: “In Support of the Quonset Air Museum”

a) Letter of Representative Doreen Costa requesting support for the Quonset Air Museum

Representative Doreen Costa spoke on behalf of the Quonset Air Museum. Her goal is to receive a Resolution of Support from all 39 cities and towns in order to save the Museum, and Jamestown is the 30<sup>th</sup> municipality adopt a Resolution. Representative Costa thanked the Council for their time and support. The Resolution was read by President Trocki.

**A motion was made by Vice President Meagher with second by Councilor White to approve the Resolution. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; 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 motion was made by Vice President Meagher with second by Councilor White to convene as the Alcoholic Beverage Licensing Board for the Town of Jamestown at 7:05 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

Town Council Sitting as the Alcoholic Beverage Licensing Board

A) **Request for a motion** that the applications listed below will be in order for hearing at a meeting of said Licensing Board on Monday, November 2, 2015 at 7:00 p.m. and advertised in the *Jamestown Press*. **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 for licenses under said Act, for the year December 1, 2015 to November 30, 2016:

#### **CLASS A (PACKAGE STORE) – RETAIL**

Tunstall, Inc.  
dba: Grapes & Gourmet  
9 Ferry Wharf

Varsha, Inc.  
dba: Jamestown Wine & Spirits  
30 Southwest Avenue

**A motion was made by Vice President Meagher with second Councilor Tighe to proceed to advertise the Class A (Package Store) – Retail Liquor License renewals. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

#### **CLASS B – VICTUALER**

Islandish, Ltd.  
dba: Chopmist Charlie's  
40 Narragansett Avenue

Jamestown Culinary Partners, LLC  
dba: Jamestown Fish  
14 Narragansett Avenue

Jamestown Restaurant Group, LLC  
dba: Narragansett Café  
25 Narragansett Avenue

New England Golf Course Management, Inc.  
dba: Jamestown Golf and Country Club  
aka: The Cady Shack  
245 Conanicus Avenue (lower level rear)

Slice of Heaven, Inc.  
dba: Slice of Heaven  
32 Narragansett Avenue

ESJ, Inc.  
dba: Simpatico Jamestown  
13 Narragansett Avenue

KALI, LLC  
dba: J Twenty-Two and the Unmarked Door  
22 Narragansett Avenue

**A motion was made by Vice President Meagher with second by Councilor Dickinson to proceed to advertise the Class B – Victualer Liquor License renewals. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**CLASS B – LIMITED**

Lucky Ridge Co., LLC  
dba: Spinnaker's Café  
3 Ferry Wharf

**A motion was made by Vice President Meagher with second by Councilor Dickinson to proceed to advertise the Class B – Limited Liquor License renewal. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**CLASS D - FULL (CLUB)**

Conanicut Yacht Club  
dba: Conanicut Yacht Club  
40 Bay View Drive

**A motion was made by Vice President Meagher with second by Councilor White to proceed to advertise the Class D – Full (Club) Liquor License renewal. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**B) Request for a motion** to advertise for extended hours [in accordance with RIGL §5-24-1 (a) and (b)] in the *Jamestown Press* for a public hearing on November 2, 2015:

- 1) **NOTICE:** Is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on Monday, November 2, 2015 at 7:00 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue, Jamestown, RI pursuant to §5-24-1 of the General Laws of Rhode Island 1956 and as amended upon the following **RENEWAL** application:

Cumberland Farms, Inc.  
dba: Cumberland Farms Store #1108  
41 North Main Road  
Plat 8 Lot 626  
7:11

Application of **Cumberland Farms, Inc. dba: Cumberland Farms Store #1108**, for renewal of additional operational hours to open at 5:00 a.m. for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow the establishment to continue to be open from 5:00 a.m. to 2:00 a.m. daily (RIGL §5-24-1 allows this establishment to be open from 6:00 a.m. until 2:00 a.m. without additional operating hours).

**A motion was made by Vice President Meagher with second by Councilor White to proceed to advertise for the Extended Hours Victualing License renewal public hearing on November 2, 2015. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**A motion was made by Vice President Meagher with second by Councilor White to adjourn as the Alcoholic Beverage Licensing Board at 7:08 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; 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.

Gary Girard of Seaside Drive. Rental Properties in Jamestown. Mr. Girard commented he is not opposed to owners renting their properties, but is opposed to motel-like renting property rentals for less than 7 days. He requests the Town Council enforce existing ordinances or create new ordinances if required to protect the citizens of Jamestown. President Trocki stated this will be coordinated with the Town Administrator.

B) Non-scheduled to address.

Karen Gray of Seaside Drive. Rental Properties in Jamestown. Ms. Gray requests enforcement of the Zoning Ordinance against motels in a residential area and commented on a Seaside Drive property being operated as a motel. Ms. Gray read the RI Division of Taxation definition of what constitutes a hotel/motel, referenced the Air B & B listing for the Seaside Drive property, the rate, check-in and checkout time, and one-night minimum. A picture of 9 cars in the driveway was provided. Seaside Drive is in the R40 zoning district, which does not allow motels. The Council was thanked for support in enforcing the zoning ordinance. President Trocki stated this will be coordinated with the Town Administrator and Town staff.

Bernie Pfeifer of Seaside Drive. Rental Properties and Quality of Life. Mr. Pfeifer expressed concern for the quality of life for residents with the motel rentals causing water and drainage issues. Many afternoons there are 9 cars at the rental property with showering and water use by guests, as water quality and quantity is a concern on the Island. The high transient population is difficult for area residents. Mr. Pfeifer thanked the Council.

Ken Newman of Avenue B. Rentals in West Ferry area. Mr. Newman commented Newport is monitoring Air B & B and other ads in order to monitor this type of activity and notifies property owners they are in violation of ordinances.

John Pagano of Seaside Drive. Rentals and Quality of Life. Mr. Pagano commented on activities at rental properties including football games on the back lawn, making it impossible to use your own backyard, people arriving at the wrong property by mistake at all hours, unknown dogs on property defecating, waking residents, water usage, and fear of liability. He asks Council for assistance.

Charlotte Zarlengo of Seaside Drive expressed support for her neighbors and would appreciate Council assistance with this increasing problem.

Richard Koster of West Reach Drive. Hunting in Residential Areas and the Tick Task Force Newspaper Ad. Mr. Koster expressed concern regarding the newspaper ad seeking property owners who would allow hunting on their property, regardless of size, to reduce the size of the deer herd, as hunters could access the wrong property or stray bullets could travel to another property. Councilor Dickinson, TTF member, explained and clarified the request. Town Administrator Nota stated hunting is governed by State law and private property owners can invite hunters onto their property and neither the Town nor property

owner is liable. Mr. Nota offered to discuss this further with Mr. Koster. Councilor Dickinson suggested he speak with Chief Mello regarding the safeguards that have put in place above and beyond State regulations.

Perry Scott of Top O Mark Drive. Hunting on private property and *Jamestown Press* ad. Mr. Scott stated he is not against hunting but is concerned for young children observing animals being shot and processed. Vice President Meagher commented on hunting regulations and that the TTF ad seeks a combination of small lots for hunting rather than an individual small lot in a densely populated area. Mr. Scott expressed concern for hunters and animals crossing multiple lots and potential liability issues. Councilor Dickinson referenced parameters that must be followed. Mr. Scott was invited to attend TTF meetings and speak with the Town Administrator for more information.

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

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

1) Goals and Objectives Updates

Mr. Nota referenced the 18-page updated Goals and Objectives distributed to Town Council members. The Council established three main goals, with various prioritized objectives and related action items. The Goals and Objectives are updated at the first meeting of the month to show progress by Town staff in achieving the Council's goals and objectives. This is also posted on the Town's website.

Mr. Nota referenced the bulleted list forwarded to Council members regarding Town activities. Paving work will commence (lasting 4 to 5 weeks) in neighborhoods, with notification to area residents. Meetings with youth organizations are ongoing including the soccer association, baseball and softball; Public Works is working on finalizing plans for North Road improvements Phase 1; striping on North Road this fall; design work on North Pond bridge and area drainage; bids are in preparation for a new roof for Ft. Wetherill building, with the exterior to be completed this fall. Parks and Recreation Director Piva submitted his resignation, effective at end of October, and the job description is almost complete. The Police Chief's Administrative Assistant position has been posted, and all town departments are updating job descriptions with completion by the end of September.

Rental Properties Taxation. There have been a number of calls on this issue and the Division of Taxation is catching up on the new process. Town residents are asked to report any such rentals to the Town Administrator. To date there has been great cooperation from local realtors and the large internet rental agencies. Discussion ensued of potential revenues.

Sandwich Board signs. New Building Official Costa noticed various signs around town at popular locations. He reviewed the Zoning Ordinance and contacted businesses on signage regulations. This section of the Zoning Ordinance needs attention, the Ordinance

Review Committee will be working on signage regulations, and this will be before the Council in the future. Discussion continued.

## VII. UNFINISHED BUSINESS

None.

## VIII. NEW BUSINESS

A) Awarding of Bid: Public Works Vehicles and Heavy Equipment through a lease/purchase financing for an amount not to exceed \$634,331.00 for a 5-year term at 1.79% or 7-year term at 1.95% to Santander Bank, N.A., as recommended by Finance Director Christina Collins, with authorization for signing by the Town Administrator and Finance Director; discussion and/or action and/or vote to approve.

1) Adoption of Authorizing Resolution

Finance Director Collins is pleased with the bids received, with 6 of the 8 bids having an interest rate below 2%. President Trocki read the Authorizing Resolution.

**A motion was made by Vice President Meagher with second by Councilor White to approve the bid award and adopt the Authorizing Resolution No. 2015-16. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

B) Awarding of Bid: 10-year Lease for East Ferry Marina – Proposals received from Conanicut Marine Services, Inc. and Jamestown Boat Yard; review and discussion and/or possible action and/or possible vote to approve and/or award bid

Proposals were received from Conanicut Marine Services and Jamestown Boat Yard. Councilor Dickinson recused on this issue, filed the appropriate form, and left the Council table due to his family relationship to one of the bidders. President Trocki noted she spent 11 hours reading and reviewing the RFP and two proposals. Town Administrator Nota prepared a PowerPoint presentation that summarizes the proposals. Mr. Nota thanked citizens for their attendance and proceeded with the presentation. CMS has been a presence in Jamestown for 40 years. The Town is obligated to engage in the complicated RFP process by State law. Mr. Nota thanked both excellent local marina companies that submitted bids; both operations want to maintain and improve East Ferry. Finance is one of the determining factors, and the entire proposal is evaluated to determine what bid is in the best interest of the Town. The town has benefited by engaging the RFP process and this process will be used for all leases as they expire. The PowerPoint presentation covered the following:

### East Ferry Marina – RFP Review

Purpose of Request and Introduction

RFP Format

- Timeline and Schedule – RFP released August 14, 2015

- Questions and Answers – due by August 24, 2015
- Pre-Bid Conference – August 19, 2015 – requirement for bid submission
- Proposal Submission – September 2, 2015
- Required Format and Proposal Content
- Additional Information
- Town Option to Reject all proposals
- General RFP Instructions and Information
- Items Covered by Evaluators

#### Jamestown Boatyard Proposal

- Cover Letter and Executive Summary

#### Jamestown Boat Yard Operations Plan

- Three-Stage Plan
- Parking Plan
- Safety and Hurricane Plan

#### Conanicut Marine Services Proposal

- Cover Letter and Executive Summary
- CMS Approach
- Proposal Summary

#### Conanicut Marine Operations Plan

- CMS Internal Plans and Best Management Practices

#### Comparison Spreadsheet Review:

- Existing Lease – Base Rent (2005-2015)
- RFP – Base 10-Year Term Comparison – Review and Discussion of spreadsheet
- Service Cost Estimation – Review and Discussion of spreadsheet
- Service Cost Estimation - Revised – Review and Discussion of spreadsheet

Town Administrator Nota commented the Town received two great proposals. President Trocki noted both proposals are available on the Town website and the Town Administrator's Presentation will be available tomorrow morning. President Trocki invited public comment.

#### Public Comment:

The two applicants were invited to speak first.

Steve DeVoe, Jamestown Boat Yard. Mr. DeVoe commented the Town Administrator did a great job analyzing the bids. He would like to hear public comment first so he can address the public's questions rather than speak at this time.

Arlene Petit of Bryer Avenue commented the Town Administrator's presentation was excellent and inquired on the three stages of Jamestown Boat Yard's proposal timeline, asked about public facilities, and whether showers and restrooms were part of the proposal.

Bill Munger, Conanicut Marine Services. Mr. Munger commented this was a brutal  
Town Council Meeting 09.08.2015



process. The Town provided a comprehensive outline and he commended the job done by the Town Administrator, Finance Director, Public Works Director and Town Solicitor. The Pre-bid stated the RFP must be complete in every way, and he thanked his team and staff for their efforts in preparing the proposal. The Town knows what it has, we have been a strong partner, and consider this a partnership. Mr. Munger thanked the Council.

Suzann Andrews of Blueberry Lane addressed her past experiences on Town committees and stated CMS never turned down a request for support for an event and gave above what was requested. CMS addresses the needs of its customers on the water as well as the needs of the Town and its citizens.

Bruce McIntyre of Umiak Avenue noted the Town must follow rigorous rules in granting an RFP and congratulated the Town Administrator on an excellent presentation. This is a difficult decision for the Council and this is a real community partnership; contracts are not just about money, and the waterfront is the heart and soul of the community. The services provided by CMS and how they treat visitors to Jamestown must be factored into the decision. CMS has a clean, safe facility, polite employees, and do everything they have ever been asked. CMS in-kind services were noted. Mr. McIntyre commented on the excellent proposal by JBY. He asked the Council to consider the 40-year history and what CMS has done for our community.

Bob Bailey of East Shore Road. Mr. Bailey commented the Jamestown Boat Yard Proposal Appendix C has no signature on the document and asked if that made the proposal invalid. He asked if offsite parking is not a permitted use per the Zoning Ordinance, would a special use be required. He stated both bidders did an excellent job on the proposals.

Town Administrator Nota stated two viable proposals were submitted. The original documents were not posted on the website and will have to be reviewed and a determination made that the submissions were complete. Presently JBY provides Dumpling Drive parking for its existing customers. Per Town Planner Bryer, if parking revision is required, it would be part of the process and would not affect the awarding of the bid; the question is whether this a non-conforming use.

Deb Swistak of Lincoln Street commented on what the downtown area looked like in 1974 when Bill and May (Munger) came along. They took a chance and had a vision when Jamestown was depressed after the ferry departed. This is a very clean and maintained operation, they provide a beautiful facility, and care about the Town.

Ken Newman of Avenue B commented on Phase 1 in the JBY proposal and asked how the current gasoline situation would affect the Town during storm emergencies and what is JBY's intention regarding the gas tanks - are they going to be permanently removed or replaced?

Steve Froberg of North Road stated he has worked for CMS a long time and has been a

firefighter for a long time and realizes the land required to store equipment and boats. JBY does a great job, but will they have enough storage space for equipment and boats so that the Fire Department would have proper access to the storage area in case of a fire during the off season?

Barbara Herman of Hawthorne Road, District 12 Power Squadron Commander, stated CMS is known as the best in class marina and their members want to come back year after year as they provide the best services and facilities. When the recreational boaters leave for the season, CMS continues its support for the community year round.

Dick Allphin of Lincoln Street stated CMS pays a fair rent. He knows what downtown looked like 28 years ago and referenced the old ferry. CMS has donated equipment and personnel numerous times to assist the community, including putting sails on the windmill for the Historical Society, never charging for their services. It doesn't make sense to have two marina operations at East Ferry.

Sav Rebecchi of Sail Street stated 20 years ago Labor Day he came to Jamestown and rented an apartment above the deli and observed the CMS operation. The marina was fascinating to watch and he got to see what they do over the four seasons, including the Christmas tree in the square. Having owned various businesses, he understands operations and over the years did an analysis of CMS, and they are a class act. They go above and beyond anything asked or expected, they are professional, and he calls it value-added services; they are always there to help. What they give far exceeds the \$15,000 annual difference in the proposal, a small community needs committed businesses, and they have proven themselves.

Paul Sprague of Mast Street stated his family fell in love with Jamestown after completing a Tall Ships film project and moved here from Indianapolis in 1976. They first lived on a boat at CMS and the Mungers became an extended family. All that CMS has done for the Town made a huge impact, and if the lease changes, it changes the face of Jamestown. The Mungers and CMS are always there to help everyone whenever there is a small or large disaster. It is too large a risk to take to change operators.

Charles Petit of Bryer Avenue asked about the proposals and commercial services on the pier. Town Administrator Nota stated JBY proposed to remove the existing crane from the pier and make it more accessible for recreation. Mr. Petit stated he is very much at home in Jamestown and part of that is due to Bill Munger who got him involved in the town. His business is known all over for the services provided and for what they do for the Town.

Deacon Nelson of Bay View Drive stated he is a long-time customer of CMS and captain of the Coastal Queen, one of the oldest documented boats in the country and docked in Jamestown. Bill and May have provided ferry services, cleaned up facilities, provided numerous services, and to jeopardize that business would jeopardize the business structure of the marina, CMS, and the Jamestown business community. The crane is used

constantly by businesses in Town, it is needed, and would create a hardship if removed. The CMS operation downtown has a larger operation for parking and docks. He applauds both parties and town for the RFP proposal, which may have resulted in higher revenues for the Town. It is hard to see a new team come in and it would significantly impact the business community. Discussion continued.

John Hall (boat yard owner in Westerly) of Standish Road stated he has known the Mungers for many years. In ABRA, CMS sets the standard of excellence for about 200 boat yards, something to keep in mind.

Robin Foote of Hamilton Avenue stated it is hard to add additional accolades to CMS services. They have been Jamestown residents for three years, and prior to living here had a boat at CMS and it was a wonderful experience. Having owned four businesses he has an appreciation for what it takes to put together, inspire, and maintain a team, and what CMS has at the marina is perfection. He remembers what Jamestown looked like when the ferry left and how it looks today. CMS is the heart and soul of what people see in Jamestown, they have done a marvelous job, and it would be a risk to change operators. What CMS offers is worth more than \$15,000 a year.

Jerry Scott of Walcott Avenue commented as a member of the Taxpayer Association he has spoken many times about his concern the Town gets its fair share when it comes to the leases. His biggest concern is the Town has no policy in place. The East Ferry lease requires that all taxes must be paid, but no taxes are paid. There has been a dramatic increase in real estate values, but no increase in income, and he wants there to be specific requirements. Discussion continued. Town Administrator Nota stated he has previously spoken to Jerry regarding the leases. The Town can't tax CMS for property owned by the Town. Other than property they own, the Town can't tax them. What is owned and taxed for CMS was referenced and there will be movement as leases are renewed. Vice President Meagher stated what we are seeing is the start of a policy. President Trocki noted the Town Administrator has done an excellent job closing loopholes and improving the leases going forward.

Rob Packer of Pennsylvania Avenue expressed concern that there may or may not be gas at the dock. What will happen in an emergency? In the past CMS has provided fuel to town vehicles in an emergency, but there is no guarantee there will be fuel at the dock with a new operator. CMS operates a green marina, which makes them a good neighbor, and they are the only marina in town that is green.

Steve Munger of Southwest Avenue asked if JBY can prove they have financial lending approval or the resources available to achieve the infrastructure they propose. He feels their proposal will result in reduced services to the town and CMS losing the lease will result in loss of employment to the town.

Paul Sprague of Mast Street commented on concern for emergency management if the fuel capacity for the town is lost, and the resulting infrastructure costs to provide tanks

for municipal fuel storage/use should be a consideration in any decision.

Ray Ianetta of Stanchion Street stated we have two viable marina businesses and everything he is hearing will damage one, which is not good policy. As a boat owner he has seen CMS operations and use of the crane. Where can a sail boat be placed in the water if the crane must be moved because people don't like looking at it? To eliminate CMS would not do anything for the businesses in town.

Donna Wood of Southwest Avenue stated CMS has done wonders for the downtown area. The crane provides an affordable option for many boaters to get boats in the water. If the crane service goes away, she is unsure where it will be provided and affordable boating in Jamestown will cease. The Mungers have done a great deal for the community and they are wonderful to their employees, treating them like family, and she feels that should be a consideration. If it ain't broken don't fix it, and 40 years of commitment to the community says a lot.

Mike Swistak of Narragansett Avenue stated it is the Council's job to make the best decision for the Town and the bottom line. But that is not the only consideration, as the award is for professional services as well and he hopes the Council looks at the whole proposal and the operation that is best for the town.

Charles Petit of Bryer Avenue commented on the lifestyle and quality of life in Jamestown and we have it right now. He advises the Council to be leery of changing that.

President Trocki thanked the public for their comments.

Steve DeVoe of Clinton Avenue and co-owner of Jamestown Boat Yard stated their proposal has three phases. The first 1<sup>st</sup> phase is to buy and install new docks and ramps. The fuel issue goes back to the tanks that have been there for a long period. The current lessee has enjoyed the income from the sale of fuel from those tanks. If granted the lease they would do an analysis of the fuel sold, how much is sold, and whether the demand justifies putting in new tanks. The current lessee is responsible for removal of the tanks. After the first year of operation they would be able to make that decision and petition the Town for permission/approval for replacement of the tanks. It would be their intention over the 10 years of the lease to provide fuel at the marina. As far as the lack of a signature, their cover letter of intent was signed by Clement Napolitano as President of the firm. As far as zoning, 60 Dumplings Drive has a non-conforming use, and they park boats and vehicles for their mooring customers and all members/residents of the Dumplings Association who use the beach and there is no issue with parking. If they are not able to have boat storage or dock storage they will secure upland heated storage for their customers. Launch services are not needed as they have launch service and if needed service can be provided with their two launches and they may run one from JBY to East Ferry. As for community service, they can provide Santa, and can assure that if they get the lease, will put up the Christmas tree on alternate years. They will bring Santa into Town and he can play Santa as well as anybody. JBY will not have permanent

restrooms and showers in the first year. If they are the successful bidder, a permanent dock structure will be designed by Burgin Lambert that will include restrooms and showers and would be built as soon as possible. JBY has a long-standing relationship with Bank Newport, no mortgage, a line of credit for \$500,000, and a commitment for project work for another \$500,000. In 1974 CMS saw an empty waterfront and saw an opportunity and the need for hard work and have done very well. They built their business on use of the Town dock and he can't comment on building a business on something you don't own. There are three other boat yards on the Island that all step masts and can get it done, and it is a minor issue. The good deeds of the Mungers can't be denied. This is a competitive process that has already saved the town money, and without it the proposals would not be what they are. As far as community service, JBY would strive to meet and excel the level of services currently provided by CMS. If given the opportunity, they will do their best for the Town of Jamestown.

President Trocki asked if there were any additional questions that need to be answered.

Mr. Munger stated boat launching and mast stepping is charged by the foot, and must be efficient. By reducing operations and eliminating the crane, most sailboats would not be accommodated here, losing efficiency.

President Trocki commented that each of the bidders excels in different areas and accommodate and refer people to each other. Mr. Munger stated he refers business to other boat yards in town and they work well together.

Mr. DeVoe stated JBY is better able to launch larger boats; their average vessel is 44 feet. CMS better handles the 25 to 39 foot vessels with the crane. Larger vessels would have to go to JBY or Clarks to be launched on their railways.

Council members were asked for their questions and comments.

Vice President Meagher congratulated the two bidders, everyone involved, and thanked all for coming. She thanked the Town Administrator and staff for a wonderful RFP. She thanked the respondents, and stated it is difficult to choose between the two excellent businesses we respect and admire. There are different visions by the two and they show they do a good job. In a small town past performance is all we have and both businesses have a good one and they are two terrific companies we can rely on. She feels CMS is the company to go with. The Mungers created something from nothing, and they have improved the marina and continue to make it better. She has not always agreed with their plans. Based on the proposal, she feels CMS is the right choice.

President Trocki commented she has been home recuperating from surgery and has had plenty of time to review the proposals. One option is to take the information and review further prior to making a decision. She asks Council members if they are comfortable voting or wish to continue.

Councilor White stated how difficult it is to decide and vote to award the bid. He thought he wasn't ready to make a vote, but he has more of an inclination of what he should do now. He referenced the book he wrote "If it ain't broke, break it." Going with what is may not be good, but also believes if it ain't broke don't fix it. He is impressed with both proposals, including the succinctness of the JBY proposal and the weight of the CMS proposal. He is impressed with the RFP prepared by Town Administration. The competition between the two businesses was great, and he is in a position to vote for Conanicut Marine.

Councilor Tighe stated he is also ready to vote. He has been here over 40 years and was here when the ferry operated and wrote a paper on the economic impact of the ferry closing on the downtown area. He is glad the Town used a different process for the leases and agreed we have to look at not only the finances but the whole picture and how it benefits the Town. We have had good service, he is ready to make a decision, and his vote is for Conanicut Marine.

President Trocki stated she is ready to make a decision. This process was different and she appreciates the RFP process as both an attorney and a Council member to achieve what is in the best interest of the Town. She is pleased with the process even though it has been difficult and is impressed with the RFP and the process, town staff, and the efforts of all involved. President Trocki commented on the RFP documents and the bids which she read thoroughly, and after reading both, has a different appreciation. She was disappointed at first with the dollar amount of difference; however, when she read the entire proposals and saw all of the awards, recommendations, and at the end of reading every single word, appreciates both bids and the very difficult decision before the Council. It is not only dollars and cents. After reading all of the information she came here to listen to additional comments. Based on all information she is in favor of CMS for the comprehensive, extensive nature of its proposal. This includes the consistency of services provided, including staffing and fuel, green technology, what is expected of the employees, increased financial value to the town, extended history of CMS, experience of Bill and the entire team, maintenance of current staffing level, Jamestown preference for boaters, scope of services provided, and it is difficult. She is able to change, take a risk, and support the under-dog. As a Council member she must protect the town assets. She is prepared to take a vote and awaits a motion.

**A motion was made by Vice President Meagher with second by Councilor White to grant the lease for the East Ferry Marina to Conanicut Marine. President Trocki Aye; Vice President Meagher, Aye; Councilor Dickinson, Recused; Councilor White, Aye; Councilor Tighe, Aye. Motion passes by a majority vote in the affirmative. (applause)**

President Trocki thanked Steve DeVoe and Jamestown Boat Yard for their efforts.

A recess was called at 10:06 p.m. The regular meeting resumed at 10:14 p.m.

President Trocki noted the bid award is subject to acceptance of the RFP and the lease and its terms, which must be negotiated. Town Administrator Nota and Solicitor Ruggiero will prepare the lease and work with CMS on it, and it will come back to the Council for review and approval.

## **IX. ORDINANCES AND APPOINTMENTS AND VACANCIES**

### **A) Appointments and Vacancies**

- 1) Jamestown Philomenian Library Board of Trustees (one vacancy with an unexpired three-year term ending date of December 31, 2015); duly advertised
  - a) Request for appointment
    - i) Mary Lou Sanborn (previous candidate)

**A motion was made by Councilor Tighe with second by Councilor Dickinson to appoint Mary Lou Sanborn to the vacancy on the Library Board of Trustees to December 31, 2015. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

- 2) Jamestown Philomenian Library Board of Trustees (one vacancy with an unexpired term ending date of December 31, 2015)
  - a) Letter of Resignation
    - i) Karen K. Montoya

A letter of thanks will be sent to Karen Montoya for her services to the Town and the vacancy will be advertised.

- 3) Jamestown Harbor Commission – Coastal Waters (One vacancy with an unexpired three-year term ending date of December 31, 2017); duly advertised (no applicants)

The Coastal Waters designation may deter people from applying, and amendments to the Harbor Ordinance designation requirements that may inhibit people from applying were eliminated. The ad should just state Harbor Commission and not include the Coastal Waters designation.

## **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.*

President Trocki noted the Public Hearing on the Fire Station will be on the September 22, 2015 Zoning Board agenda. The Jamestown Half Marathon is on the Consent Agenda, and Chief Mello stated all conditions put in place have been met and he has no concerns with granting this license. The Town has received the \$7,500 base payment from Half Marathon promoter Eident Sports Marketing.

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

The Consent Agenda approved consists of the following:

- A) Approval of Council Minutes
  - 1) August 3, 2015 (regular meeting)
  - 2) August 3, 2015 (executive session)
- B) Minutes of Boards, Commissions and Committees
  - 1) Jamestown Philomenian Library Board of Trustees (06/09/2015)
  - 2) Jamestown Philomenian Library Board of Trustees (07/14/2015)
  - 3) Jamestown Planning Commission (05/06/2015)
  - 4) Jamestown Planning Commission (05/20/2015)
  - 5) Jamestown Planning Commission (06/03/2015)
  - 6) Jamestown Planning Commission (06/17/2015)
  - 7) Jamestown Planning Commission (08/05/2015)
  - 8) Jamestown Tick Task Force Education & Outreach (09/23/2014)
  - 9) Jamestown Tick Task Force Education & Outreach (11/25/2014)
  - 10) Jamestown Tick Task Force Education & Outreach (01/27/2015)
  - 11) Jamestown Tick Task Force (06/04/2015)
  - 12) Jamestown Zoning Board of Review (07/28/2015)
- C) CRMC Notices
  - 1) Notice Requesting concurrence of OCM as a routine program change the addition of two new federal agency licenses issued by the FAA to the RI federal consistency list contained in Table 2 of the CRMC Federal Consistency Manual as follows:
    - Certificates for the operation of new airports (Federal Aviation Regulations Part 139) (USC §44706)
    - Final approval of airport layout plans (ALP) (49 USC §47107(a)(16)).
  - 2) CRMC/RIDEM Joint Notice of Assent and Water Quality Certification for installation of a seasonal long aluminum access ramp leading to long floating dock to service URI Crew Team at Middlebridge Marina, 95 Middlebridge Road, Narragansett
  - 3) CRMC September 2015 Calendar
- D) Zoning Board of Review Abutter Notice
  - 1) Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing September 22, 2015, at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, Rhode Island at 7:00 p.m. upon the following: Application of Jamestown Fire Department whose property is located at 50 Narragansett Avenue, and further identified as Assessor's Plat 8, Lot 479 for Variances and Special Use Permits as follows:
    1. Special Use Permit under Article 3, table 3.1.



2. Special Use Permit under Article 11, entitled “Jamestown Village Special Development District”, section 82-1109.
3. Special Use Permit under Article 7, entitled “Non-conforming Uses”, section 82-704.
4. Setback Variances under Article 3, table 3.2, distance to side yard 30 feet required.
5. Minimum lot size under Article 3, table 3.2, 40,000 square feet required.
6. Minimum lot frontage/lot width for museum lot. Width 120’ on Coronado and 59.0 on Narragansett.
7. Special Use Permit and Variance from Article 12, entitled “Parking Regulations”, section 82-1205 entitled “Shared Parking”.
8. Variance from Loading Space requirement – section 82-1206.
9. Variance from number of parking spaces required under section 82-1203, 28 spaces required for combined fire station and museum uses. Section 82-1204J, for use of on-street parking spaces.
10. Variance from Village Design Standards, Section 82-1108(3). Requirement for 30% clear glass.
11. Variance from section 82-1111 as to parking locations and standards for the Village overlay. All garages and parking shall be located at least 6 feet behind the principal building façade. Parking is on the side. Vehicular entrances to garages shall be no wider than 18’ at the frontage.

Said property is located in a Public Zone and contains 8,774 square feet. Applicant proposes to decrease the lot size to 6,600 square feet.

E) Abatements/Addenda of Taxes

1) Abatements: Properties – 2015 Tax Roll

	<b><u>Property/Abatement Amount</u></b>	
a)	Plat 9 Lot 588	\$28,877.86
b)	Plat 4 Lot 74	\$ 2,776.04
c)	Plat 16 Lot 133	\$ 1,980.57
d)	Plat 16 Lot 207	\$ 2,543.37
e)	Plat 8 Lot 544	\$ 3,938.67
f)	Plat 1 Lot 165	\$ 2,642.59
g)	Plat 7 Lot 101	\$ 8,245.98
h)	Plat 8 Lot 494	\$ 5,811.33
i)	Plat 3 Lot 409	\$ 4,094.80
j)	Plat 12 Lot 197	\$ 5,070.26
k)	Plat 14 Lot 370	\$ 2,241.34
l)	Plat 4 Lot 23	\$ 3,131.63
m)	Plat 14 Lot 215	\$ 1,258.86
n)	Plat 2 Lot 19 & Plat 9 Lot 783	\$14,012.43
o)	Plat 1 Lot 358	\$ 118.53
p)	Plat 3 Lot 44	\$ 1,741.76

q)	Plat 7 Lot 134	\$15,816.98
r)	Plat 3 Lot 416	\$ 3,632.97
s)	Plat 3 Lot 377	\$ 2,223.78
t)	Plat 3 Lot 142	\$ 2,949.01
u)	Plat 15 Lot 46	\$ 3,276.50
v)	Plat 7 Lot 127	\$ 3,700.58
w)	Plat 3 Lot 388	\$ 2,417.82
x)	Plat 12 Lot 24	\$ 8,758.73

2) Addenda: Properties – 2015 Tax Roll

**Property/Addenda Amount**

a)	Plat 8 Lot 494	\$ 5,811.33
b)	Plat 7 Lot 134	\$15,816.98
c)	Plat 7 Lot 127	\$ 3,700.58
d)	Plat 3 Lot 416	\$ 3,632.97
e)	Plat 3 Lot 44	\$ 1,741.76
f)	Plat 12 Lot 24	\$ 8,758.73
g)	Plat 4 Lot 74	\$ 2,819.94
h)	Plat 7 Lot 101	\$ 8,245.98
i)	Plat 12 Lot 197	\$ 5,070.26
j)	Plat 1 Lot 165	\$ 2,642.59
k)	Plat 9 Lot 783	\$10,097.62
l)	Plat 2 Lot 19	\$ 3,914.81
m)	Plat 16 Lot 133	\$ 1,980.57
n)	Plat 3 Lot 377	\$ 2,267.68
o)	Plat 8 Lot 544	\$ 3,938.67
p)	Plat 16 Lot 207	\$ 2,543.37
q)	Plat 9 Lot 588	\$28,877.86
r)	Plat 15 Lot 46	\$ 3,276.50
s)	Plat 3 Lot 143	\$ 2,949.01
t)	Plat 14 Lot 215	\$ 1,258.86
u)	Plat 14 Lot 370	\$ 2,241.34
v)	Plat 3 Lot 388	\$ 2,417.82
w)	Plat 4 Lot 23	\$ 3,131.63
x)	Plat 3 Lot 409	\$ 4,094.80

3) Abatements: Motor Vehicles - 2015 Tax Roll

**Account/Abatement Amount**

a)	#02-1381-20M	\$ 248.21
b)	#15-0300-00M	\$ 23.95
c)	#16-0147-55M	\$ 56.35
d)	#18-0246-40M	\$ 245.44
e)	#18-0246-60M	\$ 100.80
f)	#19-0469-00M	\$ 37.25
g)	#19-1236-20M	\$ 74.48

4) Addenda: Motor Vehicles – 2015 Tax Roll

**Account/Addenda Amount**

- a) #13-1896-66M \$ 140.60
- 5) Abatements: Motor Vehicles – 2014 Tax Roll  
Account/Abatement Amount
  - a) #15-0300-00M \$ 41.46
  - b) #16-0147-55M \$ 33.64
- 6) Abatements: Motor Vehicles – 2000 Tax Roll  
Account/Abatement Amount
  - a) #01-0696-75M \$ 341.39
- 7) Abatements: Motor Vehicles – 1999 Tax Roll  
Account/Abatement Amount
  - a) #01-0696-75M \$ 408.45
- 8) Abatements: Tangibles – 2015 Tax Roll  
Account/Abatement Amount
  - a) #02-1723-50 \$ 245.84
  - b) #18-0025-25 \$ 1.10
- 9) Addenda: Tangibles – 2015 Tax Roll  
Account/Addenda Amount
  - a) #03-0986-01 \$ 245.84
- F) Finance Director’s Report
- G) One Day Event/Entertainment License Applications
  - 1) Applicant: Eident Sports Marketing, Inc.  
Event: Jamestown Half Marathon  
Date: September 19, 2015  
Location: Ft. Getty and Streets of Jamestown
  - 2) Applicant: RI Turnpike & Bridge Authority  
Event: Citizens Bank Pell Bridge Run  
Date: October 25, 2015  
Location: Freebody Drive to Pell Bridge
  - 3) Applicant: Jamestown Parks & Recreation  
Event: Skate Fest 2015  
Date: September 18, 2015  
Location: Jamestown Skate Park

**XI. COMMUNICATIONS, PETITIONS AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RI CITIES AND TOWNS**

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

The Communications, Petitions, and Proclamations and Resolutions from other RI Cities and Towns consists of the following:

- A) Resolutions and Proclamations of other Rhode Island cities and towns
  - 1) Resolution of the Exeter Town Council In Support of the Quonset Air

- Museum
- 2) Resolution of the Pawtucket City Council In Support of the Quonset Air Museum
  - 3) Resolution of the Little Compton Town Council In Support of the Quonset Air Museum
  - 4) Resolution of the Foster Town Council In Support of the Quonset Air Museum
  - 5) Resolution of the Hopkinton Town Council In Support of the Quonset Air Museum
  - 6) Resolution of the Newport City Council In Support of the Quonset Air Museum

## **XII. EXECUTIVE SESSION**

- A) Pursuant to RIGL §42-46-5(a) Subsection (5) real estate (acquisition of property/purchase and sales agreement for affordable housing); discussion and/or potential action and/or vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (2) pending litigation (Stearns Farm v Lischio); discussion and/or potential action and/or vote in executive session and/or open session
- C) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel; 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 (5), Subsection (2), and Subsection (1) to discuss Real Estate, Pending Litigation and Personnel.**

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

The Jamestown Town Council reconvened the regular meeting at 11:03 p.m. President Trocki announced that no votes were taken in the Executive Session.

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

## **XIII. ADJOURNMENT**

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

**Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

The regular meeting was adjourned at 11:04 p.m.

Attest:

---

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to:     Town Council  
                  Town Administrator  
                  Finance Director  
                  Solicitor