

**TOWN COUNCIL MEETING
June 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
David R. Petrarca, Jr., 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

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Council President Trocki called the regular meeting of the Jamestown Town Council to order at 5:03 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, 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) Council Sitting as the Alcoholic Beverage Licensing Board

A motion was made by Vice President Meagher with second by Councilor White to convene as the Alcoholic Beverage Licensing Board at 5:04 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.

- 1) **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 application has been received by the Town Council for **EXPANSION OF USE** under said Act, for the period June 8, 2015 to November 30, 2015 (duly advertised in the *Jamestown Press* May 21st and May 28th editions)

CLASS B – VICTUALER

ESJ, Inc.

dba: Simpatico Jamestown

13 Narragansett Avenue

Jamestown, RI 02835

President Trocki noted issues with the application before the Council as the Fire Chief and Building/Zoning Official have not signed off on the application. Town Administrator explained the approval process and that officials will not sign the application until all required work is completed. Chief Bryer has not signed the application as the fire alarm system in the expansion is not complete.

Applicant's comments. Mr. Brayton commented on the process and asked if he could have applied for the liquor license expansion earlier. He was informed the liquor license application before the Council is the last phase and he is not late in the application process, but he is not in compliance as the fire alarm system is not complete and therefore not approved. President Trocki commented that the Council does not usually address applications until all signatures are in order.

Mr. Brayton commented the fire alarm should be complete in the next three or four days. He noted the statement that appears on the agenda under the heading of 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.*" He asked the application be approved subject to those requirements.

Town Council comments. Councilor White commented he believes this could be approved subject to receipt of all approvals and signatures. Town Administrator Nota commented on Council policy that applications are not addressed until all signatures have been obtained, and President Trocki concurred. Councilor White believes it can be approved subject to all conditions being met. Discussion ensued of past practices and the reasons for holding all applications for proper signatures. President Trocki noted the Council has held firm to their policy out of respect for one Councilor's beliefs and to provide exemptions would be difficult. Mr. Brayton stated the Town has requirements in place to govern the approval process and it is a shame to be holding up economic benefits for the town.

President Trocki stated this was advertised for public hearing and placed on the agenda with the expectation all requirements would be met. Mr. Brayton explained his logic. Town Administrator Nota explained the approval and compliance procedures followed and that approval of the liquor license expansion is the last phase. Councilor Tighe

commented he is not in favor of approving prior to all signatures in place so that no applications fall through the cracks, which could then fall back on the Council. It is up to the owner to be sure he has all things in place. President Trocki commented this special meeting was called to assist both businesses in town as a courtesy, and it is difficult being placed in this position.

Mr. Brayton stated he intends to follow the rules and wouldn't open until all conditions were met. Councilor Tighe prefers to continue this to the June 22nd meeting. Councilor Dickinson does not have anything to add. Vice President Meagher stated her support for the application before us. Councilor White commented he has no problem with approving subject to all appropriate signatures, he does not like to be arbitrary, to approve subject to does not set a precedence, and each application should be approved on its own merits. President Trocki commented on the dilemma, and Vice President Meagher concurred. Discussion ensued of the Council meeting schedule. Lengthy discussion ensued.

A motion was made by Councilor White with second by Vice President Meagher to approve the expansion of use for Simpatico Jamestown subject to completion of the work and appropriate signatures received.

Public comments. Mike Swistak of Narragansett Avenue commented the Planning Commission is supportive of economic development, and if the Council waits until the 22nd, Simpatico could lose two weekends out of their short season. Building Official Brown and Police Chief Mello and staff, who pass this location numerous times daily, can recognize if the second story is in use prior to approval and alert the Council.

Council members comment the bigger issue is whether to continue the policy in place and all Council members are not in agreement. The Council strives to support economic development and the business community. Council may need to reevaluate the current policy. Councilor Tighe commented it is his feeling the applicant has the responsibility to get the application complete and he does not want to approve it until the application is complete. Town Administrator Nota stated the normal process is not to place an incomplete application on the agenda, but in this case, this was advertised for public hearing by Council vote and therefore had to go forward. Councilor Dickinson commented this is a balancing act and much of this is out of the applicant's control. He feels we should follow the rules until we move away from them. Discussion ensued of exposing the town to liability. It may be time to review the policy, but the license cannot be issued until all requirements are met.

Back to the vote on the motion. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, No; Councilor White, Aye; Councilor Tighe, No. Motion passes by a majority vote in the affirmative.

President Trocki would like the Council notified when all conditions are met. Town Administrator Nota confirmed this will be reviewed and all conditions met prior to

issuance of the license. Discussion ensued of the reasons for the delays that caused the non-compliance and lack of signatures for the application.

- 2) **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 application has been received by the Town Council for a **TRANSFER** under said act, for the period June 8, 2015 to November 30, 2015 (duly advertised in the *Jamestown Press* May 21st and May 28th editions)

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

President Trocki noted all is in order and all required signatures are in place for this application, welcomed Ms. Mignone, and stated Council is happy to have this new business on the Island.

Applicant's comments. Jaclyn Mignone, in attendance, stated she is happy to be here and her proposed opening date is June 22, 2015.

Town Council comments. Councilor Dickinson asked if all conditions were met and commented on the procedure. Ms. Mignone thanked the Council for holding this special meeting for approval of the liquor license transfer.

Public comments. None.

A motion was made by Councilor Tighe with second by Councilor White to grant the Class B-Victualer liquor license transfer from Jamestown Oyster Bar, Inc. dba: Jamestown Oyster Bar to KALI, LLC dba: J Twenty-Two & the Unmarked Door. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.

B) Approval of Licenses

1) Victualing License – Expansion of Use

ESJ, Inc.
dba: Simpatico Jamestown
13 Narragansett Avenue
Jamestown, RI 02835

A motion was made by Vice President Meagher with second by Councilor White to approve the Victualing License expansion of use, subject to all conditions and signatures. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.

- 2) License Transfers
i) Victualing License
ii) Holiday License

FROM:

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

TO:

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 grant the transfer of the Holiday license from Jamestown Oyster Bar, Inc. to KALI, LLC. 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 grant the transfer of the Victualing license from Jamestown Oyster Bar, Inc. to KALI, LLC. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.

A motion was made by Councilor Dickinson with second by Vice President Meagher to adjourn as the Alcoholic Beverage Licensing Board and close the public hearing at 5:40 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. None.
- B) Non-scheduled to address.

Mark Grosby of East Shore Road asked what the Council is consenting to regarding the Resolutions and Proclamations from other cities and towns on the Consent Agenda. The Council stated they are accepting the Resolutions and Proclamations forwarded to the Council by other cities and towns. The Council is not agreeing with the Resolutions and Proclamations, just accepting the receipt of them. Any separate action would be taken by removing the item from the Consent Agenda. Town Administrator Nota stated these could be placed under Communications and the agenda could be restructured. Solicitor Petrarca noted that all Communications must be accepted and acknowledged by the Council and this is common practice for all municipalities.

Mr. Grosby stated he objects to Resolutions 1 and 2. He was informed the Council is not approving them but accepting them as received.

Mr. Grosby commented on Bill H 6100a and a large group of Jamestown residents who object to this legislation that would remove town control over farm activities that would include farmer wineries.

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

- A) Administrator's Report: Town Administrator Andrew E. Nota.
Mr. Nota stated there is no report this evening. Updates on pending legislation will be part of the June 22, 2015 meeting agenda, including H 6100a, which is dead at this point and is being rewritten.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. ORDINANCES AND APPOINTMENTS AND VACANCIES

None.

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 remove C) Resolutions and Proclamations of other Rhode Island cities and towns from the Consent Agenda and address them under XI. Communications and Petitions. 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 approve and accept the Consent Agenda as amended. (no vote taken)

Discussion. Item E) Awarding of Bid for the Fort Getty Story Circle was noted. Council members commented on whether this should be a Consent item. Solicitor Petrarca commented such routine business can appear on the Consent Agenda to streamline the meeting. Council members state in the future this should appear under VIII. New Business. This will be reviewed with the Town Administrator and Town Clerk.

A motion was made by Vice President Meagher with second by Councilor Dickinson to approve and accept the Consent Agenda as amended. 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) Adoption of Council Minutes
 - 1) May 18, 2015 (regular meeting)
 - 2) May 18, 2015 (executive session)
 - 3) May 18, 2015 (fire station expansion project session)
 - 4) June 1, 2015 (financial town meeting)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Library Board of Trustees (04/14/2015)
 - 2) Jamestown Tree Preservation and Protection (
 - 3) Jamestown Zoning Board of Review (02/17/2015)
- D) CRMC June Calendar
- E) Awarding of Bid: Fort Getty Story Circle to Bel Terra Landscaping, Inc. of Pippin Orchard Road in Cranston, RI for an amount not to exceed \$46,000 as recommended by the Project Sub-Committee to be fully funded by the Roach Family by agreement
- F) One Day Event/Entertainment License Applications
 - 1) Applicant: St. Matthew's Parish
Event: St. Matthew's Annual Summer Fair
Date: July 18, 2015
Location: 87 Narragansett Avenue
 - 2) Applicant: Michael Testa
Event: Family Gathering
Date: July 19, 2015
Location: Fort Getty Pavilion

- 3) Applicant Maia White
Event: Jamestown Farmers Market
Dates: Mondays, June 29 – August 31, 2015
Location: Fort Getty Pavilion
- 4) Applicant: Dorothy Raynes
Event: Raynes Wedding
Date: June 20, 2015
Location: Fort Getty Pavilion
- 5) Applicant: Jamestown Community Chorus
Event: Jamestown Community Chorus Talent Show
Date: August 20, 2015
Location: Recreation Center

XI. COMMUNICATIONS AND PETITIONS

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

The Communications accepted consists of the following:

- C) Resolutions and Proclamations of other Rhode Island cities and towns
 - 1) Hopkinton Town Council Resolution Opposing Bills S 0510 and H 5777 proposing the legalization of marijuana in RI
 - 2) Exeter Town Council Resolution Opposing Bills S 0510 and H 5777 proposing the legalization of marijuana in RI
 - 3) Exeter-West Greenwich School Committee Resolution Supporting Bills H 5861 and S 0743 on Gun Free Schools
 - 4) Foster Town Council Resolution Supporting Bills H 6040, H 6041 H 6043, S 0816, S 0818, and S 0820 regarding the State Guide Plan, Statewide Planning Program and providing for Municipal Choice as to RhodeMap RI
 - 5) Smithfield School Committee Resolution Supporting Bills H 5861 and S 0743 on Gun Free Schools

XII. EXECUTIVE SESSION


None.

XIII. ADJOURNMENT

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

The regular meeting was adjourned at 5:59 p.m.

Attest:


Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council
 Town Administrator
 Finance Director
 Solicitor