

TOWN COUNCIL MEETING
April 7, 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 in Attendance:

Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Michael 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

Town Council President Trocki called the meeting of the Jamestown Town Council to order at 7:05 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

President Trocki welcomed Town Administrator Andrew Nota to his first official Town Council meeting.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS,
PRESENTATIONS AND RESOLUTIONS**

- A) Resolutions and Proclamations
- 1) Proclamation No. 2014-03: Arbor Day in Jamestown. The Proclamation was read by President Trocki.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve Proclamation No. 2014-03 Arbor Day in Jamestown. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, 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 Eugene Mihaly with second by Blake Dickinson to convene as the Alcoholic Beverage Licensing Board and open the Public Hearing at 7:08 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A) Council Sitting as the Alcoholic Beverage Licensing Board

- 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 a **NEW LICENSE** under said Act, for the period December 1, 2013 to November 30, 2014 (duly advertised in the *Jamestown Press* March 13th and March 20th editions)

CLASS B – VICTUALER - LIMITED

Lucky Ridge Co., LLC
Db: Spinnaker's Café
3 Ferry Wharf
Jamestown, RI 02835

- a) Police Chief Mello's recommended restrictions
- b) Request a motion to approve the liquor license application for a **NEW CLASS B – VICTUALER - LIMITED**, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2013 to November 30, 2014.
- c) Request a motion to raise the **CLASS B – VICTUALER – LIMITED** Cap to ONE (1) [Present Cap ZERO (0)] and set the **CLASS B – VICTUALER – LIMITED** Cap at ONE (1)
- d) Request a motion to raise the total number of **LIQUOR LICENSES** in the Town of Jamestown to **THIRTEEN** (13) from **TWELVE** (12)
- e) Request a motion to set the Class B – Victualer – Limited annual fee (Per RIGL §3-7-7 \$200 to \$1,500)

Attorney John Murphy was in attendance representing Lucky Ridge Co., LLC dba: Spinnaker's Café in their application for a Class BV Limited liquor license to serve beer and wine. Spinnaker's has been before the Planning Commission, Zoning Board of Review, Water and Sewer Board of Commissioners, and now before the Council for granting of the liquor license. Spinnaker's has been in business for 10 years, is a good corporate citizen, employs up to 25 citizens during the summer season, and serves the needs of the local and tourist population. Patrons have requested beer and wine, and Spinnaker's has operated as a BYOB to accommodate them, which will cease if the

license is granted. Police Chief Mello's restrictions, as well as the Planning Commission and Zoning Board restrictions, were referenced, and are acceptable to his client. Wine and beer will be served on the patio from single-serve containers to plastic cups, with no service to the tables in front of the restaurant on the street. Restaurant staff will be taking TIPS training in preparation for the sale of beer and wine, and a sign will be posted "no alcohol beyond this point" as directed.

Police Chief Mello noted Attorney Murphy covered the concerns. No alcohol will be served to the front side of the restaurant or through the take out window, there will be proper signage in the dock area delineating "no alcohol beyond this point" and the square footage will be noted.

Council Comments. Councilor Dickinson commented on the favorable vote by the Zoning Board and Planning Commission for granting the special use. President Trocki commented liquor license controls in place are preferable to a BYOB. Chief Mello concurs, as there would be better controls.

Town Administrator Nota noted the restrictions and that the process has included vetting before Planning, Zoning, and the Building and Zoning Official. Council members stated Spinnaker's has done an excellent job with the restaurant facility and has improved their menu over time. There are no BV Limited licenses at this time, and the Council would have to determine if the license cap should be raised to allow this business to serve beer and wine. President Trocki stated as a member of the Chamber she would like to see this seasonal business grow.

Attorney Murphy stated the operator (Michael Ridge) wants to offer his customers more than water and coffee to accompany their sandwiches and soup, and this gives that opportunity. There will be no service through the take-out window; ice cream sales will continue as before. The restaurant opens at 8:00 a.m. and closes at 10:00 p.m. Solicitor Ruggiero stated the Council can set limitations for service times. Attorney Murphy stated there have been BV Limited licenses previously in Jamestown, and Spinnaker's has had a BYOB practice for five years.

Mr. Ridge of Spinnaker's noted 25% to 30% of his customers bring in a single serve beer or wine. His business is quick turn over and doesn't encourage lingering customers, as it is not set up for that type of service. Mr. Murphy gave examples of other similar operations that offer liquor service (not in Jamestown). President Trocki commented the Council has the responsibility to regulate licenses in a small town and must make difficult decisions on who they say yes to and who they tell no. Attorney Murphy noted this is a modest expansion, offering hospitality to its customers.

Vice President Meagher stated this issue is precedent setting by raising the cap, as there have been no BV Limited licenses for 20 years (prior BV Limited licenses were referenced). Discussion ensued of the criteria for granting or denying the license application and any future BV Limited applications. Attorney Murphy stated his client

had a lot of hurdles to get here, and followers will have to do the same. Vice President Meagher commented on the potential to increase the cap even more if other applicants fulfill the criteria.

Councilor Mihaly noted each applicant has to be seen by itself. Presently Spinnaker's is a BYOB, and what is being proposed is controlled. Given its location so close to where people land and the view, to deny beer or wine service makes no sense. He is not worried with precedent, and the Council should grant licenses for each individual case. To deny a license because a future Council may have a dilemma is not a good reason.

President Trocki commented the application process is open to all, on a case by case basis. The Council can revoke a license at any time after a show cause hearing. There are checks and balances, but the Council does not take lightly others' concerns and comments. The Council sets the criteria and the issue is raising the cap. Councilor Dickinson commented he visited the establishment as an ice cream shop customer and never saw the BYOB aspect. Attorney Murphy stated that was because it was well handled. Councilor Mihaly commented the BYOB concept makes it difficult to control inebriated patrons, which is better handled through the licensing procedure. President Trocki noted the granting of the license will increase the value of that business. Vice President Meagher commented this may now be looked at as less of an ice cream shop than a lunch place and will add more traffic to an already congested area with parking issues. The Town does not own the sidewalks there; this sets a precedent.

Public Comments. None.

A motion was made by Blake Dickinson with second by Eugene Mihaly to raise the total number of liquor licenses in the Town of Jamestown to 13 from 12. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Eugene Mihaly with second by Thomas Tighe to approve the Class B Victualer – Limited Liquor License application subject to all conditions, incorporating Chief Mello's restrictions, with review and report back to the Council by the Police Chief in six months, and to set the hours of operation for liquor sales as no earlier than 11:00 a.m. and no later than 10:00 p.m., while food is being served. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Eugene Mihaly with second by Thomas Tighe to raise the liquor license cap for BV Limited licenses to one (1). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Discussion ensued of the licensing fee. Per RIGL §3-7-7 the Town can charge \$200 to \$1,500 for this license; historically Jamestown always charged the minimum. The Council will address liquor license fees in the future.

A motion was made by Mary Meagher with second by Thomas Tighe to charge the minimum fee of \$200 for the Class B Victualer Limited liquor license. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Mr. Ridge plans to open for the season on Saturday.

A motion was made by Thomas Tighe with second by Blake Dickinson to close the public hearing and adjourn as the Alcoholic Beverage Licensing Board at 7:43 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Public Hearings

- 1) Proposed Amendment of the Jamestown Code of Ordinances, Chapter 78 Waterways Article II. Harbor Management Ordinance Sec. 78-21 through Sec. 78-22 through Sec. 78-27; duly advertised in the *Jamestown Press* March 27th edition.
- 2) Proposed Amendment of the Jamestown Comprehensive Harbor Management Plan Chapter I Introduction, Chapter II Jamestown (Conanicut Island) Description, and Chapter III Issues and Implementation, for CRMC compliance; duly advertised in the *Jamestown Press* March 27th edition

Chief Mello stated the Town has not had a CRMC approved Harbor Management Plan for a number of years. The proposed ordinance and plan amendments advertised were vetted through the Harbor Commission. Two weeks ago CRMC notified him of new language changes, which were reviewed with CRMC on Friday. This new language must be included in the Ordinance and Plan in order to achieve full five-year approval. The Harbor Commission has not seen the new language changes, but they will be addressed on Wednesday, April 9th, at the Harbor Commission Meeting. Chief Mello explained the CRMC language revisions are in addition to revisions proposed and advertised for public hearing. The CRMC language changes are as follows:

Sec. 78-26 Mooring and outhaul regulations

Page 11. Under Class 1 Riparian CRMC suggested deleting the proposed language “If this area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Under Class 2 Rights-of-way CRMC suggested adding the language “Existing Class 2a
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and 2b areas should be considered grandfathered and no similar parallel extensions of ROW boundaries onto coastal waters should be established to create mooring sites for non-riparian property owners in either of these classes.” CRMC suggested deleting the proposed language “If the area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” In its place CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Page 12. Under b. Nonriparian property owners . . . CRMC suggested removing the proposed language “If the area is delineated as a mooring area and where public access is available members of the general public shall be entitled to apply for a mooring permit there.” CRMC suggested adding the language “This area is delineated as a mooring area and is available to members of the general public.”

Page 16. Under (h) Occupancy; transfer. (1) after “Private mooring and outhaul permits” CRMC suggested adding the language “on town property”. After (2) “Mooring, outhaul permits” CRMC suggested adding the language “on town property” and after “No private mooring” remove the word “holder” and add the word “permit”. After “. . . except on a one time only basis” CRMC suggested adding the language “to an immediate family member. The immediate family member to whom the permit was transferred may, under no circumstances, subsequently transfer the permit.” After “. . . the relevant shoreside requirements.” CRMC suggested deleting the language “In exceptional cases permit holders may apply to the harbor commission for relief from this provision.” (3) after “Commercial mooring and outhaul permits” CRMC suggested adding the language “on town property”.

Page 23. Under (2) On private property after the language “. . . reserves the right to revoke any outhaul permit that is not issued according to RICRMP.” CRMC suggested adding the language “Outhauls may be grandfathered in their current location upon annual harbormaster documentation that such outhauls have been in continuous use at such location since 2004, and, the contiguous property owner(s) agree in writing to such, however, such “grandfathering” is extinguished whenever a recreational boating facility is approved at the location.”

Chief Mello noted the Harbor Commission is meeting on Wednesday, and the additional language revisions are part of their agenda for review and comment. Council members are agreeable to continuing the public hearing. Discussion ensued of the Asset Management Plan and whether it should be part of the Harbor Ordinance or referenced in it under Authorities, powers, and duties. Vice President Meagher referenced Sec. 78-28 Harbor Commission (Page 28) (b) Composition the language “to achieve diversity preference shall be given to representatives of each of the following groups” and suggested “may” should replace the word “shall” to give more flexibility in appointing Commission members. Discussion continued. Under (e) Finances; budget (Page 29) reads “Annual lease revenue from taxpayer-owned property at East Ferry, West Ferry, and Fort Wetherill may be used to fund maintenance, repair, or improvements to harbor and

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waterfront capital facilities.” This has been an issue, and it is good the Harbor Asset Management Plan was developed to define what harbor monies fund. Other enterprise accounts and the related processes were referenced, discussed, and explained. The Council ultimately has control over where funding is allocated and used. Lengthy discussion ensued. Per Solicitor Ruggiero, now is the time to clean up the ordinance language. Vice President Meagher will give her suggestions to Chief Mello to review with the Harbor Commission.

The Public Hearings for the Harbor Ordinance and Harbor Management Plan are continued to May 5, 2014.

Public Comments. Julio DiGiando asked if there will be public comment on May 5. He was informed public comment would be part of the public hearing continuations and it would be best make his comments at that time.

Sav Rebecchi commented on the two seats for non-riparian boaters stating he thought the intent was to have one for the east coast and one for the west coast.

- 3) Adoption of FY 2015 Harbor Budget (July 1, 2014 to June 30, 2015) approved by the Harbor Commission February 12, 2014.

Chief Mello referenced the budget prepared by Finance Director Collins with an approved \$218,480 Operating Budget and approved \$86,500 Capital Budget. Vice President Meagher referenced the \$14,177.50 Fort Getty Pier Assessment on the capital budget, its current status, and suggested reallocating that funding to the Old Ferry Landing, as it more visible and accessed more frequently. Public Works Director Gray noted the conceptual plan with design alternatives developed, which he can present to Council at a future meeting. Mr. Gray suggested installing a fence across the Old Ferry Landing for safety reasons prior to the summer season. The fence could be done this fiscal year with maintenance money. \$20,000 was budgeted to study the Old Ferry Landing. Town Administrator Nota referenced the much needed repairs at East Ferry, not just the Old Ferry Landing, and indicated that was three years away based on the scope of the project. Discussion continued.

A motion was made by Mary Meagher with second by Eugene Mihaly to adopt the FY 2015 Harbor Budget with one amendment, the \$14,177.50 for the Fort Getty Pier Assessment will be transferred to the Old Ferry Landing. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 4) Adoption of Harbor Asset Management Plan approved by the Harbor Commission February 12, 2014

Chief Mello asked that it be referred to as the Harbor Asset Management Inventory. Chief Mello thanked the Harbor Commission and Chair Mike deAngeli for their efforts.

Vice President Meagher noted the Old Ferry Landing should be added to the last page of the Harbor Asset Management Inventory under East Ferry.

A motion was made by Blake Dickinson with second by Mary Meagher to include the Old Ferry Landing under East Ferry in the Harbor Asset Management Inventory. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Blake Dickinson with second by Mary Meagher to adopt the Harbor Asset Inventory Plan, subject to the one change. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) Licenses and Permits

- 1) Marine Vessel Beverage License – **Class G** – Renewal
 - a) Conanicut Marine Services
dba: MV The Jamestown
Location: East Ferry Wharf
 - b) Conanicut Marine Services, Inc.
dba: MV The Katherine
Location: East Ferry Wharf

A motion was made by Eugene Mihaly with second by Mary Meagher to grant the Class G license renewals for Conanicut Marine Services for the MV Jamestown and MV Katherine. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Holiday License renewal applications
 - a) Conanicut Marine Services, Inc. dba: The Conanicut Store
Location: 20 Narragansett Avenue
 - b) Zeek's Bait & Tackle, Inc. dba: Zeek's Bait & Tackle
Location: 194 North Road

A motion was made by Mary Meagher with second by Thomas Tighe to approve the Holiday License renewal applications for Conanicut Marine and Zeek's Bait & Tackle. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 1) One Day Event/Entertainment license applications
 - a) Removed from the voting block
 - b) Applicant: Arnold Zweir Post 22 American Legion
Event: Memorial Day Parade
Date: May 26, 2014
Location: Lawn School to Veterans Memorial Square

- c) Applicant: Sue Romano
Event: Huston/O'Brien Wedding
Date: June 7, 2014
Location: Fort Getty Pavilion
- d) Applicant: Katrina Westall
Event: Westall/Nordstrom Wedding
Date: June 13, 2014
Location: Fort Getty Pavilion
- e) Applicant: Kimberly Holmes
Event: Holmes/DeMello Wedding
Date: June 28, 2014
Location: Fort Getty Pavilion
- f) Applicant: Beverly Vilardovsky/Ann Zartler
Event: North Kingstown High School '88 & '89
Class Reunion
Date: July 27, 2014
Location: Fort Getty Pavilion

A motion was made by Eugene Mihaly with second by Mary Meagher to grant the One Day Event/Entertainment License applications for b) through f). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- a) Applicant: Conanicut Marine/Latitude Yacht Brokerage
Event: Rhode Island Boat Show
Date: May 3-4, 2014
Location: Veterans' Square, East Ferry Wharf

Vice President Meagher referenced past criticism for displaying the boats on Memorial Square, as a certain honor and respect should be paid to that area. Perhaps the boats could be moved closer to the beach to the north rather than in the Square. Councilor Mihaly agreed. Marilyn from Conanicut Marine in attendance stated they try to keep the boat show all in one area. Councilor Dickinson will work with them to revise the location while creating respect for that area. Town Administrator Nota suggested approving the license subject to resolution of the location by town staff.

A motion was made by Eugene Mihaly with second by Thomas Tighe to approve the One Day Event/Entertainment license for the Boat Show subject to an acceptable plan worked out with Conanicut Marine by Town Administrator Nota. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) One Day Peddler License Application
 - a) Applicant: Quononoquott Garden Club
Event: Annual Plant Sale

Date: May 17, 2014 (rain date May 18, 2014)
Location: Veterans' Square, East Ferry

Discussion of the Veterans Square location applies here as well. Town Administrator Nota will work with them as well for an appropriate location for the plant sale this year.

A motion was made by Blake Dickinson with second by Mary Meagher to grant the One Day Peddler License application for the Quononoquott Garden Club annual plant sale. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 5) Private Investigator License Renewal Application
 - a) Ronald F. Lewis
Address: 139 Seaside Drive, Jamestown

A motion was made by Blake Dickinson with second by Mary Meagher to grant the Private Detective License renewal application for Ronald F. Lewis. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; 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

- 1) Fritz Attaway, Taxpayers' Association of Jamestown.

Fritz Attaway of Decatur Avenue is in attendance on behalf of the TAJ requesting the Town Council retain outside expert counsel to help with negotiations for the Police Union contract. Spending a little money will save a lot of money in the long run. This is not unprecedented, as the School Committee retained outside counsel in the past for union negotiations, and this is the right thing to do. A previous negotiation in 2007 created an increase in the Town's pension obligations by reducing the number of years of service required for retirement from 25 years of service to 20 years for police officers. This resulted in the necessity to pay the retiree and the officer hired to replace the retiree. Discussion continued. Retirement after 20 years does not make financial sense and was not a fiscally responsible action. The Town has a capable Solicitor, but he is not a professional union negotiator, and the Town needs someone who does this full time, with specialized expertise, who can say no. The Police Union will have a professional negotiator on their side, and the Town needs to have a level playing field to negotiate a contract that is in the best interest of the taxpayer.

President Trocki stated the Council cannot engage in a dialogue as this is Open Forum; to do so this item would have to be placed on a future agenda. She disagreed that our Solicitor is not highly trained in this area. Town Administrator Nota commented Mr. Attaway had some valid points; however, it is difficult to pick one issue out of a

particular contract negotiations, as there were other trade-offs at that time. He feels confident with the Town's negotiating team. In working with experts in the field, he has found they lack the relationships needed and the background knowledge required for the task. Mr. Nota offered to vet the issues with the TAJ in detail at a later date. He feels confident it is a manageable process with the negotiating team he has in place that includes Solicitor Ruggiero, Police Chief Mello, Finance Director Collins and Councilor Dickinson. Mr. Attaway agreed with having local input, but feels an outsider is better for the reasons stated previously.

Solicitor Ruggiero stated he takes offense to the statements made, as his qualifications are on the line. As an attorney, Mr. Attaway must know that none of us are qualified in any particular field except the law. He does a lot of labor work, all of the union negotiations for the City of Warwick; he knows the Union negotiators, Union leaders and members, and has a good working relationship with all of them. He works very hard and is proud of what he does, and Mr. Attaway should do a better job of checking his background. Vice President Meagher referenced a prior negotiator hired by a previous Council. After looking at what Solicitor Ruggiero has done, she is very happy with what we have. Discussion continued.

Solicitor Ruggiero noted lawyers do not make decisions, the Council does. Perhaps his comments should be directed to the 2007 Council. President Trocki feels it would be helpful to review this further with Town Administrator Nota to understand what was done at that time. This is not the proper forum for this discussion, and she has full confidence in Chief Mello, Finance Director Collins, Town Administrator Nota, and Solicitor Ruggiero, who are also joined by Councilor Dickinson negotiating on our behalf so that the Council can make a decision based on all the information available. Mr. Attaway would still rather see a professional negotiator for the Town.

B) Non-scheduled to address

Jerry Scott of Walcott Avenue commented it is inconsistent for the School to use a negotiator and not the Town. He was previously informed negotiations for the 2007 contract resulted in saving money, but the salary for the police officers replaced after 20 years was not taken into consideration.

Cathy Kaiser of Knowles Court, School Committee Chair, commented on the School Committee's engagement of a professional negotiator and stated there are good points on both sides. The Council is in a different position than the School Committee. We have to work very hard that negotiating a contract doesn't become a morale problem, and not using someone part of the community does have a down side.

Councilor Mihaly commented our Solicitor represents five municipalities and a large portion of his law practice is negotiating labor contracts. Solicitor Ruggiero noted the many aspects of labor law he has performed for over twelve years. Discussion continued. Town Administrator Nota will follow up with the TAJ.

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

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

Website Redesign. Town Administrator Nota gave an update, stating the project is progressing and is on the third revision for the homepage graphics. The contractor estimates we will have a model example within the week, and we are looking at a final version for staff testing at the beginning of June. The project is about three weeks behind schedule due to modifications and arrival of the new Town Administrator. Barring more changes and an acceptable 3rd revision, it is estimated the website will be ready for the public mid to late July. It is more important to get it done right rather than rushing it through; the end product is more important. The visual calendar desired was referenced and discussed. We are getting closer, with a report in the next few weeks. IT Director Mike Glier has done a great job on the project.

Paperless Agenda vs. Printed Packets. Some Councilors have the new hardware (displayed by Councilor Dickinson). Staff is presently working with Council on training, and the Clerk's office will transition from printing the large paper packets to the paperless agenda. Mike Glier will work with the Council and staff to provide necessary training.

Collins Center Study Report. The early draft was going to be heard this evening, but was delayed as the Town Administrator is still digesting the data. Review of the overall assessment with focus groups in attendance would be overwhelming and it deserves a separate work session. Potential work session dates are April 22nd, 24th, 29th, and 30th. The Council chooses April 29th at 6:00 p.m. The Collins Center, Recreation Department staff, and interested groups/organizations will be informed and invited to the work session. Additional work sessions are anticipated, with input from the performing arts groups. These sessions will assist the Golf Course people with planning process for a facility to meet the community's needs.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. ORDINANCES AND APPOINTMENTS

A) Ordinances

- 1) Update of the Jamestown Comprehensive Community Plan; review, discussion, and possible vote to proceed to advertise (3 times) in the *Jamestown Press* for public hearing on May 21, 2014 at 7:00 p.m. Town Planner Bryer had no additional comments and will answer any questions.

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to
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advertise in the Jamestown Press for the Jamestown Comprehensive Community Plan public hearing on May 21, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Amendment of the Jamestown Code of Ordinances, Chapter 70 Traffic and Vehicles, Sec. 70-87 Prohibited or restricted parking on specified streets; review, discussion, and possible vote to proceed to advertise in the *Jamestown Press* for public hearing on May 5, 2014 at 7:00 p.m.

A motion was made by Thomas Tighe with second by Mary Meagher to proceed to advertise in the Jamestown Press for amendment of the Code of Ordinances on May 5, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- B) Appointments/Resignations/Vacancies
- 1) Affordable Housing Committee – Two (2) vacancies for three-year terms ending May 31, 2017
 - a) Requests for Reappointment
 - i) Judith Sutphen
 - ii) Jerome Scott

A motion was made by Mary Meagher with second by Eugene Mihaly to reappoint Judith Sutphen and Jerome Scott to the Affordable Housing Committee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Conservation Commission - One (1) vacancy for an unexpired three-year term ending December 31, 2014
 - a) Application for Appointment – Interview Complete
 - i) Bruce DiGennaro

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint Bruce DiGennaro to the Conservation Commission for the unexpired term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 3) Harbor Commission - One (1) vacancy for an unexpired three-year term ending December 31, 2015 (commercial mooring operator)
 - a) Applications for Appointment – Interviews Complete
 - i) Peter Fay
 - ii) Joseph Patrick McGrady, Jr.

Peter Fay rescinded his application, and Joseph McGrady was unable to attend the interview and requested another interview date. A new interview date will be scheduled
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and no appointment will be made this evening.

- 4) Library Board of Trustees - One (1) vacancy for a three-year term ending December 31, 2016
 - a) Applications for Appointment – Interviews Complete
 - i) Peter Carson
 - ii) Liz Brian
 - b) Letter of Recommendation
 - ii) Library Board of Trustees Vice President Craig Watson for Peter Carson

President Trocki stated two terrific candidates were interviewed, but there is only one appointment.

A motion was made by Eugene Mihaly with second by Blake Dickinson to appoint Peter Carson to the Library Board of Trustees. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Council thanked Ms. Brian for interviewing and will keep her application on file for the next opening.

- 5) Police Pension Committee - One (1) vacancy for a three-year term ending May 31, 2017
 - a) Request for Reappointment
 - i) Anthony Antine

A motion was made by Mary Meagher with second by Eugene Mihaly to reappoint Anthony Antine to the Police Pension Committee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 6) Tax Assessment Board of Review - One (1) vacancy for a three-year term ending May 31, 2017 and One (1) vacancy for a one-year term ending May 31, 2015
 - a) Request for Reappointment
 - i) Richard Allphin (member, three-year term)
 - b) Application for Appointment - Interview Complete
 - ii) William Dawson (alternate, one-year term)

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint Richard Allphin to the Tax Assessment Board Member three-year term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to appoint William Dawson to the Alternate Member position one-year term. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 7) Town Buildings and Facilities Committee
 - a) Letter of Resignation
 - i) Michael Testa

A motion was made by Mary Meagher with second by Blake Dickinson to accept the letter of resignation from Michael Testa and send him a letter of thanks for his services. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 8) Traffic Committee – One (1) Citizen-at-Large vacancy with an unspecified term ending date
 - a) Requests for Appointment – Interviews Complete
 - i) William Dawson
 - ii) Hugh Murphy
 - iii) Melissa Mastrostefano

A motion was made by Mary Meagher with second by Thomas Tighe to appoint Melissa Mastrostefano to the Traffic Committee as the Citizen-at-Large member. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, 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 Eugene Mihaly with second by Thomas Tighe to approve and accept the Consent Agenda. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
 - 1) March 10, 2014 (budget work session)
 - 2) March 13, 2014 (budget work session)
 - 3) March 17, 2014 (regular meeting)
 - 4) March 17, 2014 (executive session)
 - 5) March 20, 2014 (budget work session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (01/22/2014)
 - 2) Jamestown Harbor Commission (02/12/2014)

- 3) Jamestown Philomenian Library Board of Trustees (02/11/2014)
 - 4) Jamestown Planning Commission (12/18/2013)
 - 5) Jamestown Planning Commission (02/11/2014)
 - 6) Jamestown Planning Commission (02/19/2014)
 - 7) Jamestown Tree Preservation & Protection Committee (02/18/2014)
 - 8) Jamestown Zoning Board of Review (02/25/2014)
- C) CRMC Notices
- 1) Continuation of Meeting Notice for Antonio Pinheiro, CRMC File No. 2013-04-107 (rescheduled meeting notice to follow)
 - 2) April 2014 Calendar
- D) Resolutions and Proclamations from other Rhode Island cities and towns
- 1) Resolutions of the Burrillville Town Council
 - a) Supporting Senate Bill 2135 and House Bills 7095 and 7580 for One Year Delay in Implementation and Formation of a Task Force to Study the Common Core Mandates and Standards and Protecting Personal Family Information
 - b) Opposing House Bills 7464 and 7465 Relating to Labor and Labor Relations
 - c) Opposing Senate Bill 2411 Relating to Labor and Labor Relations
 - d) Supporting House Bill 7291 Amending RIGL §16-7-44 School Housing Project Costs
 - e) Supporting House Bills 7501 and 7502 Relating to Courts and Civil Procedure – Interest on Judgments
 - 2) Resolutions of the South Kingstown School Committee
 - a) Requesting the General Assembly pass legislation Authorizing School Committees to utilize bus monitors at their discretion
 - b) Opposing legislation that would mandate expired teacher contracts continue at the existing terms and conditions
 - c) Requesting the RI Department of Education continue to provide monetary assistance to communities for the education of Group Home students
 - d) Requesting the General Assembly pass legislation moving teacher layoff notification from March 1st to June 1st
 - e) Supporting the repeal of Straight Party Vote option on election ballots
 - 4) Resolution of the Foster Town Council Opposing Bills S 2677 and H7631 Relating to Levy and Assessment of Taxes
 - 5) Resolution of the Portsmouth Town Council Supporting Senate Bill 2091 Repeal of Master Lever Voting
- E) Abatements/Addenda of Taxes

XI. COMMUNICATIONS AND PETITIONS

The following Communications were removed by request: 1), 2) and 3).

A motion was made by Thomas Tighe with second by Mary Meagher to accept Communications 4), 5), 6), and 7). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

1) Jamestown Conservation Commission - Support for House Bill 7178, Plastic Waste Reduction Act. Councilor Dickinson commented on the efforts of the subcommittee to encourage citizens to get involved with what is seen as an epidemic of tick borne diseases on the Island and how do we get folks to participate in solving the problem. He objects to this communication encouraging Council support for House Bill 7178 to ban plastic shopping bags. The TTF is trying to encourage behavior through education and prevention, and this should fall into the same category, and as a body we should not support it. Councilor Meagher stated perhaps we should encourage more education with citizens and the business community to learn more about its impact before imposing any restrictions. This will appear as an item on the April 21st agenda.

3) **Letter of** Andrew Yates requesting Town Council adoption of a Resolution supporting Senate Bill 2034 and House Bill 7593 to place a Constitutional amendment before the voters to include the RI General Assembly under the jurisdiction of the RI Ethics Commission. Councilor Mihaly would like the Council to pass the Resolution proposed by Andy Yates, as it is very important. President Trocki noted the Council passed this Resolution last year as well. Discussion ensued of whether this can be acted upon this evening. This will appear as an item on the April 21st agenda.

2) Letter of Attorney Michael E. Levinson re: Presentment of Claim to the Town of Jamestown for Breach of Contract, Tortious Interference, and other resulting damages to Kevin Paicos. President Trocki stated this is a significant letter and asked the Town Administrator to address it. Town Administrator Nota stated the matter is being handled by the Town the same as any other matter of potential litigation. Mr. Paicos' resignation was received and accepted effective February 18, 2014. Mr. Paicos' attorney has been in contact with the Town Council and Town Solicitor regarding his employment agreement and separation, as the Town and Mr. Paicos are unable to come to a full agreement. The Town, through legal counsel, staff, and Council, based on the statutory requirements outlined in the employment agreement and Town Charter, made compensation to Mr. Paicos of \$24,945, which included salary, leave, benefits, and pro-rated reimbursement for expenses, as agreed upon. This communication requests an additional payment that is above and beyond what was paid and greater than what the Town felt was their obligation based on the agreement and Town Charter. It is a demand notice for \$50,000 to be paid within forty (40) days of receipt of this communication, with the threat of filing a law suit in Superior Court against the Town if it is not paid. Based on this demand notice it is strongly recommended there be no further comment or communication made by Council and there is no reason for Council to act. Discussion continued.

A motion was made by Mary Meagher with second by Blake Dickinson to accept Communications 1), 2) and 3). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Communications accepted consist of the following:

- A) Communications
 - 4) **Letter of** Jamestown Golf Club President Chip Young and Vice President Mike Montoya re: proposed renovations of the Jamestown Golf Course and opposition to a multi-purpose facility addition
 - 5) **Letter of** Melrose School 1st Grade Teacher Leanne Turenne inviting Town Council Members to participate in “Reading Week” April 7 - 11
 - 6) **Letter of** Lifespan Hospitals re: Rhode Island HeartSafe Community Program
 - 7) Letter of Armenian National Committee of RI re: Designation of April 24, 2014 as “Rhode Island Remembrance of the Armenian Genocide of 1915-1923”

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 Contract); discussion and/or potential action and/or vote in executive session and/or open session
- B) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Review and possible ratification of Severance Agreement for Town Administrator); discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Mary Meagher with second by Blake Dickinson to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining, and Subsection (1) Personnel.

Pursuant to RIGL §42-46-5(a) Subsection (2), and Subsection (1) the following vote was taken by the Jamestown Town Council to enter into Executive Session: President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The Jamestown Town Council reconvened the regular meeting at 9:48 p.m. President Trocki announced that no votes were taken in the Executive Session.

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

XII. ADJOURNMENT

A motion was made by Thomas Tighe with second by Blake Dickinson 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 9:49 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
 Town Administrator
 Finance Director
 Town Solicitor