

**TOWN COUNCIL MEETING
May 19, 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
Donna Fogarty, Library Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
William Piva, Recreation Director
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 7:32 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,
PRESENTATIONS AND RESOLUTIONS**

A) Resolutions and Proclamations

- 1) No. 2014-06: "Proclamation of the Town Council for Jamestown Graduates Week, June 22-28, 2014"

The Proclamation was read by President Trocki.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve Proclamation No. 2014-06 "Proclamation of the Town Council for Jamestown Graduates Week, June 22-28, 2014". President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) No. 2014-07: "A Resolution Extending a Temporary Moratorium on Building and Demolition Permit Applications Concerning

Structures, Districts and Sites Designated on the National Register of Historic Places in the Town of Jamestown”

Town Administrator Nota stated tonight’s Resolution is a follow-up to Resolution No. 2013-23, which established a six-month moratorium on demolition and building permit limitations on Lower Shoreby Hill and expires on June 2nd. A new Resolution is proposed recommending a continuation for three months. Tonight is not a discussion on the Special Development District it is a discussion on the Moratorium and whether it should be continued.

Planner Lisa Bryer gave an overview of the need for the Moratorium continuation while the Planning Commission continues to work on historic and community character preservation to protect historic structures in Lower Shoreby Hill. Their work continues on the following:

1. Amendments to the Zoning Ordinance Article 11 Jamestown Village Special Development District
2. List of homes that may be “Buildings of Value” with special focus on the JVSDD
3. Specific Design Guidelines for the “Buildings of Value”

The Planning Commission continues discussions, but needs more time to complete their critical work, which includes revision of ambiguous language and specific guidelines for undersized lots in the village, and anticipate a final version of the three items listed by September 15, 2014. It was originally thought this would be completed sooner, but the more cautious approach will result in recommendations that are more acceptable to the majority of the property owners and constituents affected by the proposed changes.

Councilor Mihaly asked what someone would do if they had a pressing emergency or need. Planner Bryer stated there are provisions in the Moratorium for emergency situations and routine maintenance, and there is an appeal provision for decisions of the Building Official outlined in the Zoning Ordinance.

Vice President Meagher noted the list of homes under review can be found in the infamous “purple book” (dates back to 1996), not a list created by the Planning Commission. Planning is looking at 96 structures outlined in the purple book, and the list does not include all structures in Shoreby Hill, only those considered significant. The National Register Historic District in Shoreby Hill has 34 structures not listed in the purple book. Planning is reviewing properties that fall under the purview of the Technical Review Committee with the criteria projects affect 50% of the exterior façade, 50% of the street facade, or a renovation that is 50% of the value of the structure. As defined in the Zoning Ordinance there are two categories: minor renovations and significant alterations, and minor renovations would fall under their purview.

President Trocki noted this was first discussed as an historic district in Shoreby Hill and that failed, then the issue of the clarification of the ordinance and buildings of value came

forward, and that is not yet complete. No one wants to over regulate these properties, but we don't want to see them demolished. Planning has asked for the Moratorium to hold this until the ordinance process is completed, and they are still working hard on this. The Town Council decision is to approve the Moratorium continuation until Planning completes the JVSDD, expected in September. Not all the issues have been vetted, and we are not ready to speak substantively. Such discussion should take place at the Planning Meetings, and any citizens interested should attend their meetings. The Moratorium only is on the agenda and the topic for conversation.

Planner Bryer referenced her conversation with Building Official Fred Brown today, and to his knowledge there is one application ready to come forward in Shoreby for a garage and one for construction under the necessary and emergency repairs provision. The dilemma is whether to adopt the Moratorium, as something could happen to these buildings of value in the meantime.

Public Comment.

Joe Jachinowski of Alden Road stated he is speaking on behalf of himself and his wife Suzanne and James and Susan Hoey of Alden Road, who could not attend. He stated their roots are here in Jamestown, and they bought the two houses when they became available so they could spend retirement with their siblings. There was a rumor they were going to tear down the properties, and they would not do so, as they are iconic properties. Their homes are in significant disrepair and they looked forward to the restoration projects. They were surprised when one month into owning their homes the Moratorium was adopted that affected 2% of the Island – lower Shoreby Hill. He was unsure why this was enacted and doesn't understand it. Mr. Jachinowski reads the Moratorium and makes comments on its provisions. He asked how replacing windows, sidings, roof or downspouts make the Town less safe. On May 7th his home became a building of value and his rights dissipated. Where will it end? What assurances does he have the Moratorium will end? Who will pay for additional costs incurred as the Moratorium continues? He sees no appeal process in the language. Jamestown will not end if the Moratorium terminates, it is unfair, and he urged the Council to vote “no” on its extension.

Solicitor Ruggiero stated it is the Council's prerogative to pass this and it is a matter of policy. The Resolution was formed by a collaborative effort of the Planning Commission, Planner, and viewpoints expressed by citizens for regulatory treatment of Shoreby Hill. Anyone can apply to make repairs to their homes, the Building Official has to make a determination to approve or deny a permit application, and there is a right to appeal a decision of the building official. This is a Moratorium not an ordinance, and rights are not impaired just curtailed. President Trocki stated the Moratorium came about because of ambiguous language in our ordinance. Solicitor Ruggiero stated he also understood it was because of the teardown and rebuild of a home in Shoreby Hill.

Planner Lisa Bryer explained there are two separate issues, very entwined. There was an application in Shoreby Hill for reconstruction. The language in the ordinance appeared to

address that situation, the neighbors in Shoreby Hill thought it should address the issue, and the Building Official stated the language was not clear. That is why Planning started to review Article 11 to make it clear what should be addressed by the Zoning Ordinance. Planning believes the preservation of structures is related to community character and some type of regulation was required, and things need to be vetted out to make it a valid ordinance.

Councilor Dickinson asked Solicitor Ruggiero about “inappropriate alteration” and what tools are missing to address the problem. Solicitor Ruggiero stated there is an issue whether Planning can perform site plan review for buildings on the historic register or buildings of value, and they are trying to revise the ambiguous language. Planning can regulate bulk and massing of building on a property but not the aesthetic value on the property, which they want to be able to review and regulate. There is no aesthetic and contextual regulation, and that is the issue.

Vice President Meagher stated it is more the sense of what created the community. There have been inappropriate alterations of structures, this was not aimed at any particular individuals, and more than 50% of the building façade must be involved before the Planning Commission gets involved. It is appropriate to give Planning the time required to draft the ordinance, and they have done a good job. Shoreby Hill is iconic and that is why its residents wanted to create the historic district. Impediments were not imposed by the Moratorium, as Mr. Jachinowski was able to do some of the repairs he wanted.

Mr. Jachinowski stated he can only make minor repairs. Vice President Meagher stated that is not part of the Moratorium, and if the Building Official makes a decision that one feels is unfair, it can be appealed to the Zoning Board of Review, as outlined in the Zoning Ordinance.

President Trocki noted this Moratorium will not continue indefinitely. Planning needs time to prepare the ordinance and revise the ambiguous language. The Moratorium is a means to prevent major change until we get there. It would be foolish to dump the Moratorium if we are close to where we need to be.

Councilor Dickinson stated if you voted in favor of the Moratorium in the first place you would want to keep it. If you were not in favor then, you are not in favor now. If you want to buy an iconic property in Shoreby Hill, why would you want to change it? What changes have taken place? We are talking about something that hasn't occurred.

Vice President Meagher stated historic properties have been demolished, and this is an important conversation for the community to have. Planning is developing an ordinance very different from the Historic District Ordinance, and the Building Official cannot deal with the ambiguous language of the present ordinance, which is why the Moratorium was adopted and the extension is before us.

Councilor Mihaly urged Mr. Jachinowski to appeal any building application denied for anything that is necessary, especially if it was recommended by his insurance company. Maintaining the character of Jamestown is why we all moved here, and why this is taking so long is difficult for all, but we need a little more time.

Sav Rebecchi of Sail Street stated in reality the Council has made a decision on Shoreby Hill, and this is a neighborhood dispute. To speak to what the Planning Commission has done, 34 homes were missing. The Council determined we should not use Town resources for a community without public access. The character is the vista we see from Conanicus Avenue, and the rest of that community is as private as private can be. This poor family has been caught up in this personal dispute over an ideal on how those buildings should look.

President Trocki stated Mr. Jachinowski can appeal any decisions made by the Building Official, and asked Mr. Jachinowski what has held him back. Mr. Jachinowski stated it is the Moratorium Provision 3 “All appropriate town officials and employees are hereby instructed not to accept any new applications for demolition, development, redevelopment and new development in the National Register List . . .” He stated this is restricting. Council members refer him to Provision 5 and Provision 6.

Town Planner Bryer noted 6 or 7 historic properties were demolished since 1995. President Trocki stated we are all trying to do what is right for Jamestown. Mr. Jachinowski stated change the Resolution, as it blocks everything, and he can’t see a legal basis for it. Vice President Meagher stated in an effort to solve the issues, she is in support of the Moratorium and is anxious for the Planning Commission to complete the ordinance,

Town Administrator Nota stated to engage the process an application has to be filed, and he recommends one be filed with the Building Official for review, and if the decision rendered is not acceptable, he can appeal the decision to the Zoning Board. It would be worth his time to make an application for the renovations desired for his home.

A motion was made by Mary Meagher with second by Eugene Mihaly to continue “A Resolution Extending a Temporary Moratorium on Building and Demolition Permit Applications Concerning Structures, Districts and Sites Designated on the National Register of Historic Places in the Town of Jamestown” to September 15, 2014, with Exhibit A, and if not back by September 15th, the Moratorium should cease to exist, and if the ordinance is done sooner, the Council will hear the ordinance and rescind the Moratorium.

Discussion. The Moratorium can be rescinded at any time. The Resolution can be signed with amendments to the date written in (to September 15, 2014 instead of three months).

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

The Plastic Bag issue under VII. Unfinished Business A) issue is moved up to next item on the agenda to be addressed.

VII. UNFINISHED BUSINESS

A) Conservation Commission request: Support for Plastic Waste Reduction Act. Town Administrator Nota stated at a prior meeting this matter was raised and an inquiry made to other communities with similar legislation and enforcement issues. A few communities are addressing the issue. Barrington Town Administrator DeAngelis stated he rarely deals with the matter. Business has embraced the process, and he estimated enforcement was negligible to non-existent. Research revealed the legislation has been held for further study and it is unlikely it will be enacted during this legislative session. As a result, there is time for this community to participate in the process and work through local Legislators long term to develop appropriate legislation. After speaking with the business community, there is a sense community members feel it is an important issue, but how it is addressed is where the question lies.

Maureen Coleman of East Shore Road, Conservation Commission Chair, stated she is here with three members of the Commission. They tried to make the letter sent out specific within their Charge. They concentrated on the high impact to the natural habitat in Jamestown and plastic bags have an effect on our shoreline and litter. Conservation has done cleanups, and just can't keep up. This is harming the environment and Conservation has great concern for the aesthetics in the natural areas of our Town. The State law was designed to prevent the problems faced by a seaside community, and they like the statewide approach as it addresses the many plastic items that do not originate here. There are convenient, inexpensive alternatives to the single use bags, and our goal is to change our mindset as consumers so that we all can be more disciplined. The benefit of the Bill is it makes us aware of all single-use plastics and banning plastic bags will have a trickle down affect to eliminate other single use plastics, with a huge potential impact statewide. Many communities across the country have enacted this type of ban and research has showed plastic bags are number 4 in the top 10 of discarded items. Michael Brown's initiation of the issue was referenced. The Jamestown Chamber of Commerce has been most supportive, and the local business community has gone above and beyond to help the environment and our cause. However, the highest users did not participate in the voluntary plastic bag reduction. The legislation may not happen, but it would be good to weigh in now for an impact. She urged Council support.

Public Comment.

Frank Meyer of Southwest Avenue stated the Plastic Waste Reduction Act is an erosion of liberties and is one of over 2,000 bills introduced in this legislative session. This Bill has the unintended consequence of high fines. How will this be regulated and monitored? Other towns and other countries have done this, and fines are not the answer. His family uses reusable bags on vacation, and when they visited Germany (green country) and their bags were too small, bags made from sugar cane were provided (for a small fee) by local

businesses. The University of Illinois announced they developed a method to convert plastic bags into sulfur free diesel fuel. He lives on a major road leading to the beach and he doesn't see plastic bags discarded, only beer cans and water bottles. There are methods other than the heavy handed approach to educate the public and reduce plastic waste.

Michael Brown of Baldwin Court, Conservation Commission member, stated the concept came from an initiative introduced by former Councilor Ellen Winsor. Barrington's ordinance was reviewed, he thought it was appropriate, and brought it to the Conservation Commission for debate. They voted to take it to the Chamber of Commerce, and he introduced the concept for a voluntary bag ban and they liked it. The business community majority was in favor, but larger businesses were concerned with costs. It would be nice to have our town speak out on this Bill one way or the other and that is why the issue was brought to the Council. Shaw's Market in Barrington voluntarily gave up the bags, and this could be the model we follow in Jamestown. There are only 30 days left in the legislative session, and he would like the Council to support a statewide action to reduce marine debris and litter. The bag is a poorly designed product we can live without; it is not just the bags, it is plastic bottles and other products, and we can make a difference. Please support the issue.

Rusty Sallee of Lincoln Street and Jamestown Chamber of Commerce President stated the Chamber studied this last year, but have not studied the proposed legislation. They understand and support the idea of reducing and someday eliminating plastic bags in the marketplace, but it should be voluntary, market-driven, with education. In his business they re-purpose the plastic bags and use cloth bags. The Chamber has ideas for promoting reusable bags and how a voluntary effort can work, and they support a volunteer effort rather than a legislated ban.

Brian Cotsonas of Columbia Avenue stated he is here as a concerned parent and thinks it is simple, just ban the plastic bag. He spends time outside with his family and at beach, and the bags are everywhere. A voluntary effort will not work, as our society is guilty of over-packaging. Jamestown is a community of leaders, should take a stand, and adopt a ban before the rest of the state and country.

Kate Smith of Spanker Street, Conservation Commission member, read a recent article in the *New York Times* regarding the life of a shopping bag. It is used for 20 minutes to carry groceries, first spends thousands of years beneath the earth as a natural gas deposit, and after its conversion into a disposable polyethylene product, and a second eternity as all-but-indestructible trash. Plastic bags become litter everywhere hanging from trees and power lines, float in the ocean, and foul beaches and roadsides. They endanger fish, clogging storm drains, and bulking up landfills. The New York City Council has a bill to limit plastic bags by charging 10 cents per bag, which in turn would go to the retailer to use to purchase paper and reusable bags in an effort to get New Yorkers to cut back on the 2.5 billion bags they use annually. The bill does not ban the bags totally.

Vice President Meagher would be happy to support a letter to the Legislature stating that Jamestown supports the statewide legislation, as this would result in a statewide initiative that would result in no competitive loss for the Town. Councilor Mihaly supports the statewide ban as well and addressed the freedom issue. Northern Europe is ahead of us, and progress has been made in some areas due to legislation not voluntary actions. Clean Air Act, Clean Water, and other initiatives were legislated. He would like to see a ban placed on a future agenda. He appreciates what the Chamber has done, but it is not enough; we need to change the mindset. If it doesn't work on state level, let's look at a local effort.

President Trocki stated she is a Chamber Board member and is supportive of a voluntary effort. The largest producers are not part of that voluntary effort, and she is more comfortable with a statewide ban, as it doesn't give a competitive disadvantage to Jamestown. This probably won't make a difference in this legislative session, but perhaps we could put pressure on local businesses to make it voluntary without legislation.

Councilor Dickinson stated he is uncomfortable doing anything local and explained his efforts to recycle and reuse plastics. We have littering laws, but we are not interested in punishing our peers. We can change a neighbor's behaviors by example, and there are technologies that can replace the plastic bag. We can lead by example, education, and outreach. He prefers a statewide effort across the state.

A motion was made by Mary Meagher with second by Eugene Mihaly to write a letter of support for the legislation to the State. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Kate Smith suggested Council members participate in an Earth Day cleanup, as it will be an experience.

Vice President Meagher suggested the Council go back to the Public Hearing for Plantation at the Bay Voyage Liquor License expansion of use, then to the first three items of New Business.

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 9:10 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A) Council Sitting a 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 an **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014; duly advertised in the *Jamestown Press* April 24th and May 1st editions:

CLASS B – TAVERN

Plantation Catering, Inc.
dba: Plantation At The Bay Voyage
150 Conanicus Avenue
Jamestown, RI 02835

- a) Police Chief Mello's recommended conditions

Chief Mello stated his recommendations were submitted with the license application. He has not seen the revised floor plan, which he was assured was filed in the Clerk's Office. Otherwise all conditions have achieved compliance. When the initial application was filed, inclusion of the deck area, traditionally a service area, was neglected. The expansion of use includes the deck area and the fenced pool area, which would allow alcohol service in plastic ware only. Patrons of the resort or restaurant could travel on the property with any drink served on the property. A "No Alcohol Beyond This Point" sign must be installed at the western most end off the grass area. Any special outdoor events on the lawn would require a special event permit, which allows control by neighbors with concerns.

Craig Fisher stated he has no issues complying with the conditions outlined by Chief Mello.

Mary Sanborn of Bay View Drive stated she is here in opposition to the expansion of use. This is primarily a residential area located at a very busy intersection where people walk and ride bikes, not located in the downtown area. She does not feel it necessary that every piece of open space needs to have alcohol on it, and posted signs will not contain patrons from walking out to the sidewalk and across the street to the beach while waiting for dinner seating. She has reservations this expansion is needed and concerns for alcohol being served at the pool. She supports local businesses, but hopes the Council will support the neighbors as well.

Mary Brittain of Conanicus Avenue commented the Bay Voyage has been there for many years, and the Conanicut Yacht Club across the street has alcohol service and entertainment. She understands where she lives, and asked if Ms. Sanborn if she understands where she bought. Ms. Sanborn stated yes, but she was not aware alcohol

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would be everywhere. President Trocki noted the proposed expansion is limited to the upstairs deck and the fenced pool area, not in all open spaces. Use of the lawn would be with a special use permit that would come back before the Council. Ms. Brittain stated they deserve to be allowed the expanded alcohol service.

Vice President Meagher stated no one is allowed to cross the street with alcoholic beverages, and if this occurs, it should be reported to Chief Mello. Councilor Mihaly stated this is the same as the alcohol service on the deck of the Conanicut Yacht Club.

President Trocki noted alcohol is not served in all open spaces, only on the upper deck and fenced pool area, and alcohol is served on the lawn only by a special use permit; it can be consumed, but there are no sales on the lawn area.

Solicitor Ruggiero verified that Ms. Sanborn as an objector received notice of this public hearing. He would like to verify whether one objection would be grounds for veto of the license application and asked to continue the public hearing to the June 16th meeting.

Craig Fisher of Walcott Avenue stated at first the Clerk's Office thought Plantation didn't have service on the deck originally, but further review revealed the deck was approved in the fall. The expansion application then became to serve alcohol and food to guests in the fenced pool area. We are not going to sell larger events on the exterior of the property, as it is a conflict with the neighbors, and Plantation is changing the sales model to reflect that. There may only be a brief ceremony (wedding) on the lawn, and then the event will be moved inside, and we are not seeking to have additional functions on the lawn. Town Administrator Nota and Chief Mello verified the paperwork was reviewed and the deck was included on the original application.

President Trocki stated the public hearing will continue to the next meeting. Hopefully the deck is covered so service can take place there. Perhaps some of the issues being addressed and explained by Mr. Fisher will help resolve Ms. Sanborn's concerns, and she may come back to the next meeting to voice her objections. The new restrictions, including the issuance of special event permits and Class F liquor licenses, are examples of how the Council is being more restrictive, which may be reassuring to the neighbors.

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

- 2) Class F (beer/wine) One Day Liquor License Application:
Applicant: Jamestown Education Foundation
Event: Jamestown Education Foundation Fundraiser
Date: July 11, 2014
Location: Fort Getty Pavilion

Chief Mello explained this is the beginning of a new policy he and the Town Administrator are developing to give the Recreation Department and Town Clerk's Office direction. It places conditions above and beyond insurance requirements and gives guidance for Town staff to follow.

A motion was made by Blake Dickinson with second by Eugene Mihaly to approve the Class F One Day Liquor License for the Jamestown Education Foundation. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Licenses and Permits–One Day Event/Entertainment License Applications

- 1) Applicant: Jamestown Education Foundation
Event: Jamestown Education Foundation Fundraiser
Date: July 11, 2014
Location: Fort Getty Pavilion

A motion was made by Eugene Mihaly with second by Mary Meagher to approve the application of the Jamestown Education Foundation. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Applicant: Saint Matthew's Parish
Event: Saint Matthew's Annual Summer Fair
Date: July 19, 2014
Location: 87 Narragansett Avenue

A motion was made by Mary Meagher with second by Blake Dickinson to approve the application of Saint Matthew's Parish. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 3) Applicant: Plantation at the Bay Voyage
Event: Wiendel Wedding
Location: Plantation at the Bay Voyage, 150 Conanicus Ave.
Date: June 15, 2014

A motion was made by Mary Meagher with second by Blake Dickinson to approve the application for the Wiendel Wedding. 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 Mary Meagher to adjourn as the Alcoholic Beverage Licensing Board at 9:24 p.m. 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 Blake Dickinson to move to VIII. New Business to address the first three items of business. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

VIII. NEW BUSINESS

A) Farmers Market at Fort Getty: request of Chandler Neale and Maia White.

Maia White of Westford Road explained their proposal for a Farmer's Market for the period June 23 to August 25. This is 10 market days on Mondays from 4:00 to 7:00 p.m. There are 11 farmers signed up and 9 artisans selling meats, vegetables, teas, fruit, honey breads, clay sculptures, jewelry and other items. Council was asked to waive the fee for the Pavilion rental so they can continue to be competitive. Town Administrator Nota stated he met with Maia and vetted out the plan for this season, and he is very satisfied their plan is in order, with a lot of diversity. Everyone is anxious to get the Farmers Market open again this season. Council members appreciate their efforts to return the Farmers Market and encourage all to participate.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the Farmers Market at Fort Getty and waive the Pavilion fee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Jamestown Outdoors Agreement for rental services at Fort Getty. Town Administrator Nota reported he met with Recreation Director Piva and Jason and Beth Hatch of Jamestown Outdoors over the last couple of months. Jamestown Outdoors wants to move the operation to Fort Getty, which raises some logistics issues. The proposed basic Agreement is similar to last year. The difference is a \$500 rental fee for the season to locate on Town property in a prime location for the period June 1st to August 31st. They continue to work out the parking situation, with the potential use of parking passes for visitors and an adjacent rack for equipment storage.

Jason and Beth Hatch referenced their success last year at Mackerel Cove and noted the difficulties with windy conditions. They thought it would be more conducive at Fort Getty where it is less windy for kayaking and paddle boarding. Their operation would be 7 days a week at Fort Getty, and they would build a temporary rack to be removed at the end of season for the paddleboards and kayaks. They also have a new business location at 34 Narragansett Avenue. Recreation Director Piva has no reservations with the parking, as there is room for an additional 40 spots without the last row of campers. Discussion continued.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the Jamestown Outdoors Agreement, subject to review by Solicitor Ruggiero.

President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) 2014 Community Development Block Grant Small Cities Grant Program: Town Council Authorization to file priority list and application. Town Planner Lisa Bryer explained the Town files annually in the spring for Federal HUD money filtered down through the State. The amount permitted to apply for has shrunk, and we are limited to file for \$150,000. The list of priority projects contains 9 items for Council approval, including housing development and economic development. Town Planner Bryer reported on past years grant awards. It is unclear how much will be received this year.

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the CDBG application and priority list of funding requests. 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 continue with the regular agenda beginning with V. Open Forum. 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. None.
- B) Non-scheduled to address.

Mary Jane Sorrentino of Green Lane referenced her letter under Communications on House Bill 7904 relating to climate change. She requests to place this item on a future agenda to speak to it, and we may know better where the Bill stands at that point. The next Council meeting is June 16th. It is unsure if any action will be taken on this issue this Legislative session. This item will appear on the June 16th agenda.

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

A) Town Administrator's Report. Andrew E. Nota. Mr. Nota stated he has some brief updates.

- 1) Town Building Access update.

The staff is moving forward with planning for improvements and upgrades to this facility. A meeting was held at East Ferry with a representative of the Department of Justice regarding ADA issues in the parking area and with private businesses. Town staff is working on a plan for subtle improvements for striping for one handicap parking space

and one handicapped van accessible space as well as sidewalk improvements. Updates will continue.

2) Performing Arts Committee update.

Mr. Nota reported he met with several performing arts representatives individually. Interested parties of the various groups will meet separately and convene as a group to meet with town staff. The process has started and is paralleling with town staff discussion and performing arts groups discussion.

3) Recreation Study.

The comprehensive assessment completed by the Collins Center was referenced. A lot of good information came out of the report. Town Administrator Nota met with Director Piva and other staff members and community members, including the Senior Association, to bring all groups together. We are hoping to review organizations running over the summer months. Further evaluation of the Collins Center recommendations continues to determine what recommendations are appropriate and what are best practices for Jamestown. This should be brought back later this summer.

4) Library Redesign Project.

Mr. Nota reported the project is progressing. An initial, preliminary budget was received from Newport Architects, and the preliminary design is complete. The Board of Trustees is addressing funding and they were requested to prepare a guide on the capital plan prior to their presentation to the Council. Transferring of capital funds for the Library is on the June 16th agenda. A work session to review the design plan and funding should be scheduled at that time. This is an exciting project that will carry this community for the next 20 years. It includes a minimal footprint addition and mainly internal upgrades. The Board is aware the Council will have to approve the scope of the design and funding program.

5) Paving.

Mr. Nota reported the Public Works Department has begun to pave (overlay process) using the \$100,000 left over from last year to tackle some of the deterioration caused by the difficult winter and spring weather. Residents have been notified of the paving schedule. There is \$425,000 proposed for capital funding for the FY 2015 budget for approval at the FTM for road construction. If approved, construction will begin in July.

B) Police Department Report: Chief Edward E. Mello.

Chief Mello reported on the Community Policing Strategic Plan. The Citizens Police Academy is in Week 6, and the 11 graduates will be before the Council for a ceremony on June 16th. Their partnership with the Chamber of Commerce continues, and the Chamber is sponsoring an event related to alcohol service at Jamestown Outdoors on Thursday, May 22nd. The Chamber is providing subjects who will be served alcohol and given breathalyzer testing to see the effects of alcohol.

The reverse calling system has been rolled over and converted to Code Red, and enrollee encouragement will take place at the Rotary Club Event at Fort Getty on Saturday. They will also recruit volunteers for the Emergency Shelter and to staff the MEDPOD Program. Through the efforts of Lt. Deneault, website use has expanded and their twitter account has automatic feed to the website from all officers. The community events bulletin board is posted internally, so that all officers are aware of all events. It is helpful to police officers so they are aware of the events and can stop by (also initiated by Lt. Deneault). The prescription drug drop box is very successful, with 40 pounds left at the drop box to date. The drop box is available 24 hours a day.

The Police Department is working with the Fire Department to position a bicycle at JFD to make it accessible to police officers. The Bike Rodeo partnership with the School Department took place two weeks ago, with over 50 student riders, assisted by Officer Pages, Sgt. Catlow, Lt. Deneault, and Officer Hebert. The School Department partnership continues with review of their safety plan, dedicating staff time for emergency management courses to evaluate their plan and facility. This will be a requirement by law in 2015. The cameras in the school issue is ongoing and the access they have been seeking will be accomplished, as the department invested in the necessary equipment and technical ability, and this should be completed soon. Sgt. Hopkins participates in the successful Project Northland with 7th and 8th graders, which is a real life skills activity. Officer Chaves provided fingerprinting and life skills activities. The department also participated in the 1st Grade reading week.

Liaisons program. Officer Hebert is our Internal Domestic Violence Advocate. Officers Chaves and Esposito serve as are our Crime Prevention Officers and are undergoing training to assist our citizens. Positive feedback was noted on interaction with our police department regarding a domestic violence issue. The Community Service Officer should begin training this week, with parking regulation enforcement as the main focus.

Chief Mello noted the department had a team of 9 participants who ran in the Peyton's Pace Race this weekend, and took the top team award. They have a candidate for the January Police Academy. The generator is being replaced, with assistance from Public Works, funded 1/3 through EMA. Motorcycle noise complaints continue, and the department will work with local bar owners on how to address this with their patrons, with enforcement follow-up. Chief Mello was thanked for his excellent report and commended for his well-written article in the *Jamestown Press*.

C) Parks and Recreation Update – Mackerel Cove Dune Project/Beach Opening and Fort Getty Opening and Pavilion Project: Director William Piva.

Mr. Piva reported Fort Getty opened on Thursday for the camping season. There are 70 seasonal campers and they are filling the 13 transients with 2 week minimal intervals. The tent sites are filling up, and Mackerel Cove Beach is opening June 7th. The Dune Restoration Project is going forward with the assistance of Public Works, with completion this summer. Per Conservation Commission Chair Maureen Coleman, \$3,000

was donated by a citizen towards the project. Beach Stickers are available at the Recreation Center and Fort Getty gate house.

Fort Getty Pavilion. Town Administrator Nota commented CRMC permitting is in preparation. He met with architect Arek Galle, who is fine tuning options and modifications. The story circle and fire pit will be included in the project and CRMC permitting. The goal is to fine tune the application and get it filed with CRMC. If all falls in place, this will be back in September, providing the proposed \$200,000 capital funding is approved at the FTM. Drainage, road construction and landscaping, parking, and the private funded story circle and fire pit were discussed. The work would be done when the camp closes next fall.

VII. UNFINISHED BUSINESS, continued

- B) Jamestown Comprehensive Community Plan 2014 Update: Schedule Joint Public Hearing with Planning Commission.

The date scheduled is June 18, 2014 at 7:00 p.m., with Solicitor Wyatt Brochu in attendance.

- C) Discussion of possible Rules and Regulations pertaining to the distribution of funding from the Town's Affordable Housing Fund.

Vice President Meagher asked for this agenda item and stated Resolution #5 on the FTM was written by bond counsel. Councilor Dickinson expressed reservations with the language, and she wanted to describe how we would go about regulating the Fund if the Resolution passed the FTM. The intention is to use surplus funds rather than tax dollars. It is understood that 16.67% of a yearly operating budget should be in surplus, and the intention is the Fund would be loans to be paid back. Discussion continued. There needs to be transparency on such decisions, and if the Council wants to make loans or grants, any allocation over \$50,000 should go before FTM. Solicitor Ruggiero recommended there should be a committee to vet this, outline dates when the applications should come in, and determine if an application is appropriate or not. Discussion continued. Councilor Mihaly agreed with the approach, and the paragraph regarding paying it back requires revision to meet the intention outlined by Vice President Meagher. Vice President Meagher referenced guidelines she prepared that could be distributed to appropriate parties if the Resolution passes. She also referenced her op-ed piece that will appear in the *Jamestown Press* to explain what is proposed. Discussion ensued of amending the Resolution language at the FTM with voters present voting on any amendment proposed. Council members comment Mary's article explains it well and commended her for her efforts. Planner Lisa Bryer will prepare a flyer for public information. If the Resolution passes, the rules and regulations can be formulated in the coming months.

VIII. NEW BUSINESS, continued

- D) Report of the Traffic Committee.

Vice President Meagher reported the Traffic Committee met last week and voted to send the following to the Council:

- 1) Installing a four-way stop at Helm and Bow Streets.
- 2) Parking at the Bay Voyage.
- 3) Tashtassuc Road Speed Limit

A motion was made by Mary Meagher with second by Eugene Mihaly to order advertised an ordinance to create a four way stop at Helm Street and Bow Street and look at Mast Street and Helm Street with a stop sign only on Mast Street. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Discussion ensued of the indentation at Bay View Drive.

A motion was made by Mary Meagher with second by Eugene Mihaly to order advertised an ordinance to install “No Boat Trailer Parking” signage east of the Bay Voyage at Bay View Drive on the west side. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Traffic Committee also requests the State Traffic Commission review the regulations for parking on the west side of the Bay Voyage on Conanicus Avenue.

A motion was made by Mary Meagher with second by Thomas Tighe to request the State Traffic Commission to review the parking regulations on the West Side of the Bay Voyage on Conanicus Avenue and to review the speed limit at Tashtassuc Road, which is currently 25 mph and could be higher. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

Chief Mello stated an ordinance is not required for the “No Boat Trailer Parking” sign. It needs direction to the Public Works Department through the Town Administrator to install the sign.

- E) Agenda items for June 16, 2014 regular meeting
- Planning Commission update on buildings of value
 - Harbor Management Ordinance and Plan public hearings
 - Library Board request for capital program transfers
 - Mary Jane Sorrentino’s request for Bill support for House Bill 7904 on climate change

The Town Clerk will send a memo to Council members with upcoming agenda items. Councilor Tighe would like a meeting scheduled with the Administrator and the Recycling Committee to review their report and determine if their task is complete.

IX. ORDINANCES AND APPOINTMENTS

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 Eugene Mihaly with second by Mary Meagher 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) May 5, 2014 (regular meeting)
 - 2) May 5, 2014 (executive session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Fire Department Incentive Committee (05/12/2014)
 - 2) Jamestown Philomenian Library Board of Trustees (04/08/2014)
- C) Resolutions and Proclamations from other Rhode Island cities and towns
 - 1) Resolutions of the Middletown Town Council:
 - a) Urging repeal of the “Master Lever” vote
 - b) Supporting funding for the FY 2015 Municipal Road and Bridge Revolving Fund
 - 2) Resolution of the Barrington Town Council supporting the “It Can Wait” public awareness campaign against texting while driving
- D) Abatements/Addenda of Taxes
- E) Finance Director’s Report

XI. COMMUNICATIONS AND PETITIONS

A motion was made by Eugene Mihaly with second by Mary Meagher to accept the Communications. 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
 - 1) Letter of Ed McGuirl requesting loading zones for commercial fishing business needs at East Ferry parking area bordering the wood pile pier and at West Ferry parking area by the bulkhead to access the ramp and floating dock in southwest corner of the parking lot

- 2) Email of Mary Jane Sorrentino requesting a Town Council resolution of support for House Bill 7904 “An Act Relating to Health and Safety – Climate Change Adaption and Mitigation Resilient Rhode Island Act of 2014”
- 3) Letter of Susan Kurz requesting Town Council support for the Conservation Commission’s request to support the “Plastic Waste Reduction Act”
- 4) Letter of Preserve Rhode Island requesting Town Council Membership in Preserve RI and noting upcoming events
- 5) Letter of South Kingstown Town Clerk Dale Holberton re: South Kingstown Town Council adoption of Resolutions of Support for Senate Bill 2034 and House Bill 7593 for a Constitutional Amendment to include the RI General Assembly under the Jurisdiction of the RI Ethics Commission
- 6) Letter of RI Department of Revenue Division of Municipal Finance Chief Susanne Greschner announcing approval of the Town’s Notice of Proposed Property Tax Rate Change for fiscal year 2014-2015

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 (2) Pending Litigation (Paicos v. Town of Jamestown); discussion and/or potential action and/or vote in executive session and/or open session
- C) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (potential acquisition of property); 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 reorder the Executive Session items so that Item C) is addressed first. 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 Blake Dickinson to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining and Pending Litigation and Subsection (5) Real Estate.

Pursuant to RIGL §42-46-5(a) Subsection (2) and Subsection (5) 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 11:16 p.m. President Trocki announced that a vote was taken in the Executive Session for Item C) Pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate (potential acquisition of property) to authorize the submission of an application for a recreation grant to RIDEM and authorize the negotiations with the property owner. The property location remains undisclosed at this time.

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

XIII. ADJOURNMENT

A motion was made by Mary Meagher with second by Eugene Mihaly 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 11:17 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

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