TOWN COUNCIL MEETING

**November 1, 2010**

**I. CALL TO ORDER**

The regular meeting of the Jamestown Town Council was called to order at 7:00 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue by Council President Schnack.

**II. ROLL CALL**

Town Council members present:

Michael Schnack, President

Robert Bowen, Vice-President

William H. Murphy

Michael G. White

Ellen M. Winsor

Also present:

Bruce R. Keiser, Town Administrator

Wyatt A. Brochu, Town Solicitor

Cheryl A. Fernstrom, Town Clerk

III. AWARDS, PRESENTATIONS AND ACKNOWLEDGEMENTS

1. Beavertail Lighthouse Museum Association. Guy Archambault, BLMA President, is in attendance and displayed the Rhody Project Award for historic restoration and preservation awarded to them by the RI Historic Preservation and Heritage Commission on October 21st. Mr. Archambault referenced the historic importance of the lighthouse and gave a brief description of restoration work performed. He thanked the Council for its continued support. The Proclamation in honor of the Beavertail Lighthouse Museum Association was read by Councilor Winsor.

**A motion was made by William Murphy with second by Michael White to adopt the Proclamation “Commending the Beavertail Lighthouse Museum Association for an Award Granted in Recognition of its Invaluable and Exemplary Restoration Initiative to Preserve the Beavertail Lighthouse and Associated Buildings.” Voted unanimously in the affirmative.**

Mr. Archambault was thanked for coming this evening and informed the Proclamation will be framed and forwarded to BLMA.

2) Proclamation re: November as “National American Indian Heritage Month” in the Town of Jamestown. The Proclamation was read by Council President Schnack.

**A motion was made by Michael White with second by Ellen Winsor to adopt the Proclamation declaring November as “National American Indian Heritage Month” in the Town of Jamestown. Voted unanimously in the affirmative.**

The Proclamation will be forwarded to DAR Regent Barbara Simmons, as requested by Anne Kent Rudasill, Chairwoman of the American Indian Committee, DAR Aquidneck Island Chapter.

**IV. COUNCIL SITTING AS ALCOHOLIC BEVERAGE LICENSING BOARD**

*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 William Murphy with second by Ellen Winsor to open the public hearing at 7:10 p.m. Voted unanimously in the affirmative.**

1. Certificates of Good Standing: RI Division of Taxation (not received)
2. Liquor License Renewal advertisements
3. Objection letters: none received
4. Approval of Licenses by Class
5. CLASS A (PACKAGE STORE) – RETAIL

Grapes & Gourmet, Inc.

dba: Grapes & Gourmet

9 Ferry Wharf

Varsha, Inc.

dba: Jamestown Wine & Spirits

1. Southwest Avenue

There was no public comment or objection.

1. Request a motion to approve the liquor license renewal applications for CLASS A (PACKAGE STORE) – RETAIL, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011

**A motion was made by William Murphy with second by Michael White to approve the CLASS A (PACKAGE STORE) – RETAIL liquor licenses upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

1. Request a motion to set the CLASS A (PACKAGE STORE) – RETAIL Liquor License Cap at TWO (2)

**A motion was made by Ellen Winsor with second by Michael White to set the CLASS A (PACKAGE STORE) – RETAIL liquor license cap at TWO (2). Voted unanimously in the affirmative.**

b) CLASS B – TAVERN

Long Wharf Marina Restaurant, Inc.

dba: The Bay Voyage

150 Conanicus Avenue

There was no public comment or objection.

1. Request a motion to approve the CLASS B – TAVERN liquor license, upon resolution of debts, taxes, Stat approval and appropriate signatures for the year December 1, 2010 to November 30, 2011.

**A motion was made by William Murphy with second by Robert Bowen to approve the CLASS B – TAVERN liquor license upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

1. Request a motion to set the CLASS B – TAVERN Liquor License Cap at ONE (1)

**A motion was made by William Murphy with second by Ellen Winsor to set the CLASS B – TAVERN liquor license cap at ONE (1). Voted unanimously in the affirmative.**

#### CLASS B – VICTUALER

Islandish, Ltd.

dba: Chopmist Charlies

40 Narragansett Avenue

Jamestown Oyster Bar, Inc.

dba: Jamestown Oyster Bar

22 Narragansett Avenue

Jamestown Restaurant Group, LLC

dba: Narragansett Café

25 Narragansett Avenue

New England Golf Course Management, Inc.

dba: Jamestown Golf and Country Club

aka: Caddy Shack

245 Conanicus Avenue (lower level rear)

Portuguese American Citizen’s Club

dba: Portuguese American Citizen’s Club

11 Pemberton Avenue

SeaDish, Ltd.

dba: Tricia’s Tropigrille

14 Narragansett Avenue

Slice of Heaven, Inc.

dba: Slice of Heaven

32 Narragansett Avenue

Trattoria Simpatico, Inc.

dba: Trattoria Simpatico

13 Narragansett Avenue

There was no public comment or objection.

1. Request a motion to approve the liquor license renewal applications for CLASS B – VICTUALER, upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011.

**A motion was made by Michael White with second by William Murphy to approve the CLASS B – VICTUALER liquor licenses upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

1. Request a motion to set the CLASS B – VICTUALER Liquor License Cap at EIGHT (8)

**A motion was made by Michael White with second by William Murphy to set the CLASS B – VICTUALER liquor license cap at EIGHT (8). Voted unanimously in the affirmative.**

#### CLASS D FULL (CLUB)

Conanicut Yacht Club

40 Bay View Drive

There was no public comment or objection.

1. Request a motion to approve the liquor license renewal application for CLASS D FULL (CLUB), upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011.

**A motion was made by Ellen Winsor with second by Michael White to approve the CLASS D FULL (CLUB) liquor license upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

ii) Request a motion to set the CLASS D – FULL (CLUB) Liquor License Cap at ONE (1)

**A motion was made by Michael White with second by Ellen Winsor to set the CLASS D – FULL (CLUB) liquor license cap at ONE (1).**

Discussion. Previously there were two Class D Club licenses. The PAC formerly held a Class D license and applied for B Victualer license, which was granted. A previous Council voted to set the Class D license cap at one.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

**A motion was made by Robert Bowen with second by William Murphy to close the public hearing at 7:20 p.m. Voted unanimously in the affirmative.**

V. 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.*

The following items were removed from the Consent Agenda by request: 1)c) and 4)b).

**A motion was made by William Murphy with second by Michael White to approve the Consent Agenda as amended. Voted unanimously in the affirmative.**

The Consent Agenda approved consists of the following:

1) Adoption of Council minutes:

a) October 18, 2010 (regular meeting)

b) October 18, 2010 (executive session)

1. Bills and Payroll

3) Minutes from Boards, Commissions and Committees:

a) Jamestown Buildings and Facilities Committee (06/16/2010)

b) Jamestown Committee on LNG Threat (09/28/2010)

c) Jamestown Committee on LNG Threat (10/05/2010)

d) Jamestown Conservation Commission (08/10/2010)

e) Jamestown Conservation Commission (09/14/2010)

f) Jamestown Harbor Management Commission (08/18/2010)

g) Jamestown Harbor Management Commission (09/08/2010)

h) Jamestown Planning Commission (09/15/2010)

i) Jamestown Planning Commission (10/06/2010)

j) Jamestown Tree Preservation and Protection Committee (09/28/2010)

k) Jamestown Zoning Board of Review (09/28/2010)

4) CRMC Notices:

a) Agenda for Semi-Monthly Meeting (10/19/2010)

c) Agenda for Semi-Monthly Meeting (10/26/2010)

5) Abatements/Addenda of Taxes

1. c) October 25, 2010 (workshop)

The Workshop Minutes discussed a potential use for the URI School of Oceanography. The Minutes should correctly reflect that there was discussion the property may have a potential use for the URI School of Oceanography and they could be approached on this issue.

**A motion was made by Robert Bowen with second by William Murphy to approve the October 25th workshop Minutes as amended reflecting that there was discussion of approaching the URI School of Oceanography to see if they have a potential use for the Fort Wetherill site.** **Voted unanimously in the affirmative.**

4) b) Notice of Changes to RICRMC Management Program (12/14/2010)

Councilor Winsor wanted to be sure the Conservation Commission received this notice. She was informed they did and they also receive a copy of all CRMC notices.

**A motion was made by Michael White with second by Robert Bowen to accept the CRMC Notice. Voted unanimously in the affirmative.**

**VI. EXECUTIVE SESSION ANNOUNCEMENT**

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

1. Pursuant to RIGL §42-46-5(a) Subsection (2) potential litigation and collective bargaining.

**VII. COUNCIL, ADMINISTRATOR, SOLICITOR,**

**COMMISSION/COMMITTEE COMMENTS & REPORTS**

1) Town Administrator’s Report

a) East Bay Energy Consortium. Town Administrator Keiser contacted them to possibly team up with the nine East Bay communities for wind energy. Tiverton is leading this effort and their remarks were forwarded to Town Council members. The Consortium welcomes the possibility of a Jamestown participation (with 3.5 MW cap), and this will be discussed at their next meeting.

1. Jamestown Golf Course Building Review/Assessment. The Jamestown Buildings and Facilities Committee discussed potential improvements at the Golf Course. A partial walk through was performed. The Committee will contact Joe Mistowski regarding an assessment of the building for needed upgrades or improvements. Per Mr. Keiser, Joe Mistowski welcomes this.
2. Meeting with RIDOT re: Bike Path/North Road. Town Administrator Keiser referenced the Bike Path Design Committee recommendation to lower the speed limit from 40 mph to 25 mph along a portion of North Road. This was discussed during the presentation of the Bike Path Design Committee Final Report to the Council approved May 17, 2010. It has taken quite some time for RIDOT to get back to Mr. Keiser. RIDOT has a meeting in Providence on November 16th at 3:00 p.m., at which time he will have the opportunity to address this issue with Director Michael Lewis. Councilor Murphy expressed concern this was not addressed at a workshop prior to attending this meeting. The Council approved the BPDC Final Report that included this provision and agreed to make contact with RIDOT to discuss this recommendation and assess the public safety issues. If agreeable, RIDOT would perform a study and forward it to the State Traffic Commission, who would then make a recommendation to approve. The Council would like to put this out to the people at a workshop prior to adoption. Councilor Murphy would prefer to widen the road. RIDOT has to evaluate the situation before any recommendations can be made. This will be discussed at the November 15th Town Council meeting for further clarification and discussion. Discussion of widening the road, the Great Creek and lowering the speed limit continued.

d) Jamestown Shores lots re: Deed preparation cost. Solicitor Peter Ruggiero worked with Attorney Quentin Anthony of the Land Trust to establish deed restrictions on the lots taken at tax sale in order to prevent future development. The additional expenditure of funds should not exceed $10,000 and are due to extensive deed research required for the 100 plus lots. Town Administrator Keiser proposes to ask the Land Trust to share in the cost (50/50). There was discussion the Land Trust could apply for a grant to cover the full $10,000 expense for deed preparation. Town Administrator Keiser will to follow up and report back.

1. FEMA Reimbursement. This covers damage from the March storms. Town Administrator Keiser does not have final the report, but an $89,000 approximate reimbursement is expected. It appears Jamestown fared well in comparison to other communities. Wright Lane and Whale Rock Road are being reconstructed and will be completed prior to the end of the season. Road money was reallocated so that the entire job could be completed. A full report will be available at the next Town Council meeting.

f) Fort Getty Electricity. Town Engineer Mike Gray, Recreation Director Bill Paiva, Jack McCane and Bruce Keiser met last week to review issues and problems. National Grid representatives visited Fort Getty this summer to observe the continuing electrical issues. Isolators were installed to alleviate the problem with shocks in the showers. Per National Grid, additional neutral blockers will completely eliminate any other stray voltage problems. The Grid recognizes the issues are on their end and want to cleanup any continuing problems. No town funds are being expended. This is very positive.

g) Well Testing. RIDOH can only handle a selective number of samples at a time and has not gotten back to Environmental Scientist Justin Jobin for a testing schedule. When we hear from them, well testing will begin. There are 143 well testing volunteer participants from the Jamestown Shores area.

h) Revaluation. Town Administrator Keiser referenced recent questions on the revaluation of property in Jamestown performed by Vision Appraisal. Our community’s tax base is vital to the community’s confidence in how we finance our government and it must be done with integrity. In the recent revaluation there was a shift in property values from the non-waterfront properties to waterfront properties, and the waterfront properties were treated fairly. Sav Rebecchi spoke with Tax Assessor Ken Gray and he is now confident in the revaluation performed by Vision Appraisal and the property value shift is appropriate. In previous revaluations the opposite trend occurred, and property values away from the waterfront to the village were higher due to the real estate market at that time. Fluctuating trends in the real estate market cause the shifts in value as they reflect actual market values (sales). Mr. Keiser stated he felt it was important to address this issue and clear up any misinformation or confusion. The tax base is the bedrock of our financial system and fairly reflects how taxation is based. Revaluation results are reviewed by State officials for accuracy and fairness. Appeal options are also available for those who feel they have been assessed unfairly or inaccurately. Tax Assessor Ken Gray, Town Administrator Keiser and representatives of Vision Appraisal are available to assist taxpayers with revaluation questions and issues.

Council Vice President Bowen referenced Liaison Reports and stated there is no place for such Reports on the agenda. Town Administrator Keiser stated it is appropriate to have Liaison Reports under this (VII Reports) section of the Agenda. If a Council member is a committee Liaison and would like to present a report, this is the appropriate agenda item. If there is an issue that requires a vote, it can be placed under XIV Unfinished Business or XV New Business.

2) JEMS September/October 2010 Report. The report is accepted.

**VII. PUBLIC HEARINGS.**

1. RIGL§5-24-1 (a) & (b) & 5-24-2: Title 5 Businesses and Professions (Taverns, Cookshops and Oyster Houses)

**A motion was made by Ellen Winsor with second by Robert Bowen to open the public hearing. Voted unanimously in the affirmative.**

1. Advertisements for Victualing Licenses with extended hours
2. Request a motion to approve Victualing licenses with extended hours **RENEWAL** applications, upon the resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011:

Jamestown Mist, LLC

dba: Jamestown Mist

35 Narragansett Avenue

Plat 9 Lot 246

APPLICATION OF JAMESTOWN MIST, LLC, dba: Jamestown Mist, for renewal of additional operational hours to open at 5:00 AM for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow the establishment to continue to be open from 5:00 AM to 2:00 AM daily (RIGL §5-24-1 allows this establishment to be open from 6:00 a.m. until 2:00 AM without additional operating hours).

Cumberland Farms, Inc.

dba: Cumberland Farms Store #1108

41 North Main Road

Plat 8 Lot 626

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

Council Vice President Bowen commented this is an odd grouping under this RIGL.

There was no public comment or objection.

**A motion was made by William Murphy with second by Michael White to grant the Victualing License with extended hours renewal applications for Jamestown Mist LLC and Cumberland Farms, Inc. upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

**A motion was made by Robert Bowen with second by Michael White to adjourn the public hearing. Voted unanimously in the affirmative.**

**IX. ORDINANCES AND RESOLUTIONS**

None.

**X. COMMUNICATIONS AND PETITIONS**

1) Letter of Town of South Kingstown re: Resolution in Opposition to Hess Weaver’s Cove LNG facility in Mount Hope Bay

**A motion was made by William Murphy with second by Michael White to accept the communication. Voted unanimously in the affirmative.**

1. Memorandum of The Trust re: Safety Enhancement Grant Program and Scholarship Program

**A motion was made by William Murphy with second by Michael White to accept the communication.**

Discussion. Do we distribute this for applications? Town Administrator Keiser stated public works and other departments have submitted applications and traditionally the town has received safety enhancement grant awards in the amount of $2,000 from the Trust.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

3) Letter of DAR re: Request for Proclamation declaring November as Native American Heritage Month (III 2)

**A motion was made by Ellen Winsor with second by William Murphy to accept the communication.**

Discussion. The letter requests a copy of the proclamation be sent to the DAR Aquicneck Island Chapter Regent Barbara Simmons, and it will be forwarded accordingly.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

XI. LICENSES & 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.*

1) RIDOH list of active licenses in the Town of Jamestown

2) Multi-License renewal applications:

a) BADA Bing, Inc. dba: **House of Pizza**

 i) Victualing License

 ii) Pinball/Video Game (1)

1. Conanicut Yacht Club dba: **Conanicut Yacht Club**

i) Victualing License

ii) Entertainment License

1. Islandish, Ltd. dba: **Chopmist Charlies**

i) Victualing License

ii) Entertainment License

1. Jamestown Restaurant Group dba: **Narragansett Café**

i) Victualing License

 ii) Entertainment License

1. Long Wharf Marina Restaurant, Inc. dba: **Bay Voyage Inn**

i) Victualing License

 ii) Entertainment License

1. Portuguese American Citizen’s Club dba: **Portuguese American Citizen’s Club**

i) Victualing License

 ii) Entertainment License

1. Sea Dish, Ltd. dba: **Tricia’s Tropi Grille**

i)Victualing License

 ii) Entertainment License

1. Trattoria Simpatico, Inc. dba: **Trattoria Simpatico**

i)Victualing License

 ii) Entertainment License

There was no public comment or objection.

**A motion was made by William Murphy with second by Michael White to approve the Multi-License renewal applications upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

1. Victualing License renewal applications:
2. Ace’s Pizza, Inc. dba: **Ace’s Pizza**
3. BADA Bing, Inc. dba: **Freddie Bing’s Hotdog Thing** (Cart)
4. Del’s Lemonade & Refreshments, Inc. dba: **Del’s of Jamestown** (Mobile Unit)
5. East Ferry Market, Ltd. dba: **East Ferry Deli & Market**
6. Grapes & Gourmet, Inc. dba: **Grapes & Gourmet**
7. Jamestown Oyster Bar, Inc. dba: **Jamestown Oyster Bar**
8. Jian Sheng Ni dba: **Peking Garden**
9. Lucky Ridge Co., Inc. dba: **Spinnakers Café**
10. Lucky Ridge Co., Inc. dba: **Spinnakers Café Mobile Unit**
11. New England Golf Course Management, Inc. dba: **Jamestown Golf & Country Club aka: Caddy Shack**

k) Slice of Heaven, Inc. dba: **Slice of Heaven**

l) T-M-T Enterprises, Inc. dba: **McQuade’s Supermarket**

 m) Doriana Carella/The Village Hearth dba: **The Village Hearth**

 n) Jamestown Wine & Spirits dba: Jamestown Wine & Spirits

There was no public comment or objection.

A motion was made by Michael White with second by William Murphy to approve the Victualing License renewal applications upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.

4) Victualing License with extended hours renewal applications:

 a) Cumberland Farms, Inc. dba: **Cumberland Farms Store #1108**

 b) Jamestown Mist, LLC dba: Jamestown Mist

There was no public comment or objection.

**A motion was made by Michael White with second by William Murphy to approve the Victualing License with extended hours renewal applications upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

5) Bingo License renewal application:

a) Jamestown Senior Citizens Association, Inc. dba: **Jamestown Senior Citizens Association, Inc.** (non-profit)

There was no public comment or objection.

**A motion was made by Michael White with second by William Murphy to approve the Bingo License upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2010 to November 30, 2011. Voted unanimously in the affirmative.**

**XII. OPEN FORUM**

1) Scheduled request to address. None.

2) Non-scheduled request to address.

Charlotte Zarlengo. Ms. Zarlengo thanked the Council for their support regarding the lots in Jamestown Shores and referenced a previous fund for purchasing lots in the Shores that formerly contained $350,000. She requests a status report regarding how much is left in the fund if there is still such a fund. Ms. Zarlengo stated there are other lots for sale that could be purchased to protect the land. Town Administrator Keiser stated the fund was used to support legal work to submit petitions for redemption of tax sale lots, which cost approximately $130,000. Approximately $160,000 remained in the account, and it will be researched to determine if there are any funds left. The town has not been contributing to that fund (Water Protection). Town Administrator Keiser will report back on this issue at the next Town Council meeting (11/15). Ms. Zarlengo asked if money could be set aside for this purpose. She is informed this could be done during the budget process.

Councilor White encouraged everyone to vote tomorrow (election day) and commented on the amazing number of signs in town for the referenda questions. Please note the sign ordinance requires their removal within 7 days.

**XIII. APPOINTMENTS AND RESIGNATIONS**

1. Beavertail State Park Advisory Committee One (1) vacancy with a three-year term ending December 31, 2013); interviews complete; if favorable reappoint
	* + - 1. Letter requesting reappointment
2. Anna Templeton-Cotill

**A motion was made by William Murphy with second by Michael White to reappoint Anna Templeton-Cotill to the Beavertail State Park Advisory Committee for the three-year term expiring December 31, 2013. Voted unanimously in the affirmative.**

2) Affordable Housing Committee One (1) vacancy with a remaining term ending date of 5/31/12; interviews complete; if favorable appoint

a) Letter of Interest

i) Shirley A. Dean

**A motion was made by Michael White with second by William Murphy to appoint Shirley A. Dean to the Affordable Housing Committee for the term expiring May 31, 2012. Voted unanimously in the affirmative.**

1. Tree Preservation and Protection Committee One (1) vacancy with a three year term ending December 31, 2013; interviews complete; if favorable reappoint
2. Letter of recommendation from James Rugh, Chair
3. Letter requesting reappointment
4. John Collins

**A motion was made by Ellen Winsor with second by Michael White to reappoint John Collins to the Tree Preservation and Protection Committee for the three-year term expiring December 31, 2013. Voted unanimously in the affirmative.**

4) Conservation Commission (Term ending date of December 31, 2010)

a) Notification of Term Ending due to the Charter Rule § 1002(3) “no person shall serve more than three (3) consecutive terms on the same committee.”

 i) Christopher Powell

The vacancy will be advertised.

5) Quonset Development Corporation Board of Directors

a) Letter of resignation due to Quonset Development Corporation Board of Directors statute limiting membership term limits to two (2) consecutive

 i) Sav Rebecchi

The vacancy will be advertised.

6) Juvenile Hearing Board One (1) vacancy with a one year term ending December 1, 2011; One (1) alternate vacancy with a one year term ending December 1, 2011; if favorable reappoint

a) Letter(s) requesting reappointment

 i) William Piva

 ii) Agnes Cotter Filkins (alternate)

**A motion was made by Michael White with second by William Murphy to reappoint William Piva to the Juvenile Hearing Board member position for one year to December 1, 2011 and Agnes Cotter Filkins to the Juvenile Hearing Board alternate position for the one-year term expiring December 1, 2011.**

**An amendment to the motion was made by William Murphy with second by Michael White to change the term for the full member position to three years to December 1, 2013.**

Discussion. This is a new board. Candidates were interviewed three months ago and it did not seem necessary to interview them again.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

7) Zoning Board of Review One (1) alternate vacancy with a one year term ending December 31, 2010; if favorable appoint

 a) Letter requesting appointment

 i) Michael Jacquard

**A motion was made by Michael White with second by William Murphy to delay this appointment.**

Discussion. It would be important to know the applicants interests and if there are other candidates for vacant positions. This appointment will be continued.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

**XIV. UNFINISHED BUSINESS**

1. Harbor Management Ordinance and Fees. The Harbor Management Commission looked into restructuring the fees in March of this year. This was not done and we should send a letter to them requesting a timetable and feedback. Harbor Management Commission Chair Mike DeAngeli was in attendance and explained the Commission’s rewrite of the Harbor Ordinance and their plan to complete the update and timeline so that it will be in the next budget cycle. The spread sheet prepared by Chris Brown was referenced. Mr. DeAngeli stated the Harbor Commission should be able to vote on this next week so that it will be ready in advance of the budget season. If it is passed next week, it will be before the Council for the first meeting in January. Town Administrator Keiser will be contacted when this is on the Harbor Commission agenda. The Concerned Boaters issue was referenced. Mr. DeAngeli was thanked for coming.

Council Vice President Bowen referenced the Harbor Management Commission membership. People were appointed to positions they did not fit when their terms expired, and we are trying to correct this. The memorandum included the Council packet explained the incorrect appointments. When the advertising goes forward, it should follow what was referenced in the memorandum. This year’s expiring terms were referenced. The ad should reference the positions available, and those who should apply will be requested to do so. Michael DeAngeli discussed the issues and the difficulty in filling all of the member positions, especially the non-riparian and commercial members. There are other issues to be addressed as well. Previously a riparian member was serving as a commercial member. Guidelines were referenced. It is difficult to fill the vacancies exactly. It was recommended that anyone interested in reappointment should send in a letter of interest for the appropriate position. Mr. DeAngeli feels it is unlikely we will get 7 members exactly as set in the ordinance. Lengthy discussion ensued. We will look at the membership and advertise accordingly, and shouldn’t appoint someone who does not fit. By not adhering to the ordinance, there could exist a voting block of recreational boaters. Discussion continued.

**XV. NEW BUSINESS**

1. Records request of Patrick K. Bolger re: Executive Session Minutes of April 23, 2001, May 14, 2010, May 29, 2001 and June 11, 2001 with a request for Town Council vote to unseal the Executive Session Minutes.

Town Administrator Keiserstated **t**his is easier said than done. Solicitors Peter Ruggiero and Wyatt Brochu reviewed RI State law and the Attorney General’s advisory opinions, and they provide little guidance on how executive session Minutes are unsealed. This is not a common practice and no precedent exists. In 1992 the Town Council reviewed years of executive session Minutes to see what was releasable. If all five members agreed, the Minutes were released. In 1999 some records were also reviewed for release. All five Council members may agree to open Minutes, but the Solicitor may advise differently, as this procedure exposes the town to litigation. Some issues could be releasable and some not. Most executive session items regard personnel and litigation, which are not discussed in open session. Discussion continued on procedure and whether the Council could review the four sets of Minutes in executive session and vote in open session to release them. Solicitor Brochu stated the executive session Minutes are not public records as defined by Chapter 38 Access to Public Records Act. He advises the Council to proceed with caution as there is no standard for review and release of Executive Session minutes.

Pat Bolger commented that he believed Solicitor Ruggiero had stated the executive session minutes requested were unsealed. He was informed this was incorrect. Solicitor Brochu stated any discussions in executive session are of a confidential nature. Mr. Bolger stated his reason for the request for the 2001 executive session Minutes regarded the Concerned Boaters and the agreement entered into. Mr. Bolger was informed any actions taken in executive session must be affirmed in open session. A review of minutes of open sessions (04.23.2001, 05.14.2001, 05.29.2001 and 06.11.2001) did not indicate a special settlement or agreement was made. The Council, Administrator and Solicitor would know if there was a settlement or special agreement, as any vote to enter into an agreement would be affirmed and made part of the open session Minutes. If there was no vote in regular session, there was no vote in executive session. The Clerk reviewed open session Minutes for the four dates and there was nothing that indicated there were any votes taken. If agreements were made in executive session they would have no legal binding on Jamestown now. If some previous action was taken that had an effect, it would be moot. If there was litigation and a settlement reached, it would be a public record. It is not in writing and there is no record of a binding agreement. A formal action by the Council in 2002 (4 to 1 vote) to rollback mooring fees was referenced. Discussion ensued regarding the threat of litigation and whether that threat was serious enough to precipitate the vote to rollback mooring fees. Pat Bolger stated his opinion that the public has been cheated out of $600,000 by misuse of harbor fees. As there is now a threat of litigation and executive session Minutes are not public records, they should not be released.

1. Police Staffing Study - Request for Proposals. Town Administrator Keiser prepared the RFP. The scope of work is narrow and could be completed in a short period of time, by November 17th. The document will be emailed for clarity.

**A motion was made by William Murphy with second by Michael White to approve the RFP and proceed to advertise. Voted unanimously in the affirmative.**

**XVI. EXECUTIVE SESSION**

**A motion was made by William Murphy with second by Robert Bowen to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) to discuss potential litigation and collective bargaining. Voted unanimously in the affirmative.**

**Pursuant to RIGL §42-46-5(a) Subsection (2) the following vote was taken by the Jamestown Town Council to enter into Executive Session to discuss potential litigation and collective bargaining: Council President Schnack, Aye; Council Vice President Bowen, Aye; Councilor Murphy, Aye; Councilor White, Aye; and Councilor Winsor, Aye.**

The Jamestown Town Council reconvened its regular meeting at 8:53 p.m. The Jamestown Town Council entered into Executive Session at 8:37 p.m. by unanimous vote and that session has now ended by unanimous vote. Council President Schnack announced there were no votes taken in Executive Session.

**A motion was made by Michael White with second by Ellen Winsor to seal the Minutes of the Executive Session. Council President Schnack, Aye; Council Vice President Bowen, Aye; Councilor Murphy, Aye; Councilor White, Aye; and Councilor Winsor, Aye.**

**XVII. ADJOURNMENT**

**A motion was made by Robert Bowen with second by William Murphy to adjourn the meeting. Voted unanimously in the affirmative.**

The regular meeting was adjourned at 8:55 p.m.

Attest:

Cheryl A. Fernstrom, CMC

Town Clerk

Copies to: Town Council (5)

 Town Administrator

 Town Solicitor