## **TOWN COUNCIL MEETING**

**January 19, 2016**

## **ROLL CALL**

Town Council Members present:

Kristine S. Trocki, President

Mary E. Meagher, Vice President

Blake A. Dickinson

Michael G. White

Thomas P. Tighe

Also in attendance:

Andrew E. Nota, Town Administrator

Christina D. Collins, Finance Director

Michael Gray, Public Works Director

Lisa Bryer, Town Planner

Cathy Kaiser, School Committee Chair

Andrew Wade, Parks and Recreation Director

Peter D. Ruggiero, Town Solicitor

Cheryl A. Fernstrom, Town Clerk

## **CALL TO ORDER, PLEDGE OF ALLEGIANCE**

Council President Trocki called the regular 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.

## **ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS**

None.

## **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.*

None.

1. **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.*

1. Scheduled to address.
2. Non-scheduled to address.

Margaret A. Kirschner of Pleasant Street, Newport, Community Co-Chair for the Restoration Advisory Board Naval Station Newport (since 2014), gave an update on the Board and its function and operation. Ms. Kirschner introduced Dr. David Brown of Middletown, 20-year Board member, and David Dorocz, Environmental Director of the Naval Station. The RAB was established in 1996 to provide information and promote community awareness of ongoing environmental remediation work on the base to sites addressed in the NAVSTA Newport Environmental Restoration Program (former Naval properties). The RAB just celebrated its 20th anniversary and their environmental remediation includes Gould Island. The Council was invited to attend RAB meetings held the third Wednesday every other month at the Marriot Courtyard (next meeting Wednesday, January 20th) in Middletown. Discussion ensued of the technical nature of the work performed by the experienced, trained professionals who make up the RAB. It is important the Council know what information is available and where it can be found. Site 17 is Gould Island (north section) and work that includes soil and debris removal will proceed this year through 2017. Other RAB members include representation from RIDEM and EPA. Concerned citizens, including high school students, and environmental professionals were invited to attend meetings and get involved.

Dr. Brown referenced the $15,000,000 clean-up project on the north area of Gould Island by the Navy. The Army Corps of Engineers is performing cleanup at the south section. Sediments and debris will be removed, making the Island safer, though the public is not invited to visit. Conservation Commission Member Anne Kuhn Hines asked if Gould Island is a Superfund Site, and Ms. Kirschner confirmed that it is. Numerous tanks were removed and RIDEM and EPA monitoring continues. The Clerk will publish dates and times of RAB meetings. President Trocki thanked Ms. Kirschner, Dr. Brown and Mr. Dorocz for attending this evening.

Blake Dickinson of Mt. Hope Avenue, Council Member, referenced First Lego League and their activities for elementary and middle school students that combine robotics competitions with research projects based on a theme. Over 25,000 young people participate worldwide, including 600 participants on 40 teams from Rhode Island. The two First Lego League championship RI winners were the Robo Wolves and Bearded Builders from Jamestown. President Trocki extended congratulations and the Council and citizens of Jamestown are all very proud of our young people and their accomplishments. A letter of acknowledgement on behalf of Town Council is in order.

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

None.

1. **UNFINISHED BUSINESS**
2. Pavilion fees and rules and procedures for 2016; review and discussion and/or potential action and/or vote

Parks and Recreation Director Andrew Wade provided an updated 2016 fee schedule and policies and procedures as suggested by Council. Readjusted rates include peak season - the 3rd Saturday in June through the 3rd Sunday of September - and an updated definition of proof of residency - property owners, those living with family members, and renters with a minimum of a 12-month lease. A photo ID, driver’s license, passport, voter ID card, property tax bill, lease or utility bill would be verified and accepted as proof of residency to ensure the resident rate is protected. Residents may reserve the Pavilion two summers in advance and non-residents the January of that year. President Trocki noted minor grammatical corrections. Vice President Meagher recognized the $400 in expenses for use of the Pavilion. However, she feels that fees should remain reasonable for residents for the Monday through Thursday period. Doubling the rate from 2015 is steep for less formal parties traditionally held there and is too much of an increase too quick. President Trocki commented we don’t have another smaller facility available for the public and it would be helpful if a portion of the facility could be available for smaller groupings. Councilor Dickinson noted voters have supported improvements to the facility and he feels comfortable not raising rates, in light of the Council’s coming requests for funding Pavilion and Fort Getty improvements. Councilor White suggested a non-peak resident fee Monday through Thursday of $250 and peak fee at $400. Councilor Dickinson is comfortable with his suggestion. Discussion ensued.

**A motion was made by Vice President Meagher with second by Councilor White to set the Fort Getty Pavilion rental fee for residents at $250 for non-peak days and $400 for peak days. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**A motion was made by Councilor White with second by Vice President Meagher to approve the 2016 fee package and policies and procedures as amended. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

1. **NEW BUSINESS**

**A motion was made by Councilor Tighe with second by Councilor Dickinson to amend the agenda order to address Item A) after Items B) and C). President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

1. Awarding of Bid: 5,000 Gallon Precast Reinforced Concrete Wastewater Tank to Scituate Concrete Products Corp. for an amount not to exceed $8,750.00 as bid as recommended by Public Works Director Michael E. Gray; review and discussion and/or potential action and/or vote.

The tank is for the new bathroom facilities at Fort Getty. There are only a few suppliers who do this kind of work, only one bid was received, and Mr. Gray is comfortable with the bid.

##### **A motion was made by Councilor Tighe with second by Councilor White to award the bid for the concrete wastewater tank to Scituate Concrete Products Corp. for $8,750. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

## Request of Joseph and Antonio Pinheiro, Sunset Beach Aquaculture, for Town Council letter of approval for use of an Up-weller at Fort Getty Pier, as required by CRMC application process; review and discussion and/or potential action and/or vote

Joseph Pinheiro of Beacon Avenue referenced their prior application, information provided, stated this would be a positive experience, and would appreciate the Council’s endorsement.

Mr. Pinheiro explained the (primary) tank up-weller to be located on the dock along the side of the boat (picture displayed). The second proposal is for a floating up-weller. Explanation of the proposed up-weller proceeded, where oysters (spat or small seed) or other shellfish are grown from seed. The tank protects the oysters, lets them grow, and provides a better product. Spat or small seed is less expensive and must be kept in a protective area. Fresh seawater will be warmed and aerated using an aerator and pump and funneled to the aquarium (box) facility on the dock. Power would be provided by use of a pedestal at Fort Getty that provides electricity.

Councilor Dickinson asked for explanation of Harbor Commission involvement in such a process. Town Administrator Nota stated the Pinheiro’s project began last year before the Harbor Commission. At that time there was discussion of whether the project was properly before Harbor for an approval of the use, as no policy existed in the Harbor Management Plan that allowed it and Harbor was not prepared to make a decision. The project then went to the Council and then to town staff, who has been working on it ever since. As part of the review process it would be proper to bring it back before the Harbor Commission, who controls access to the water, as there could be an impact to capital improvements along the waterfront that may help create a more conducive environment at the Pavilion to accommodate the expanded commercial use and balance the interests of recreational uses. Public Works Director Gray, Planner Bryer, and Chief Mello will comment on the Condition Assessment Report produced in 2014 and other potential use issues that arose, including conservation zones. Town staff has many open questions, and one year later we are no closer to having an answer to whether a floating up-weller and dock would be appropriate. Town staff was asked to develop an RFP to put this out to the aquaculture community to determine the interest and what concepts may be available. Once the town has more information an informed decision can be made.

The Assessment Report contains Phase 1 and Phase 2 and recommends improvements upwards of $400,000 and removal of boats from the pier until the improvements are completed. A number of concerns have slowed this process and based on all factors, including the OS-2 zoning designation, we do not have all the answers needed. An RFP should be ready in a few weeks. The OS-2 designation allows fishing equipment with a special use permit, but does not allow the transport of product. President Trocki stated it seems like there a simple answer, but this is not a simple approval process and there are many layers and factors to take into account. She would like to hear from other town staff regarding further information to assist in this decision process. We don’t want to approve something that is against other town regulations for what is a long-term use for the Fort Getty pier. Vice President Meagher noted the two options: the floating equipment and the aquarium in a box (preferred method). Mr. Pinheiro stated he doesn’t want to proceed with the project if the Council is not on board.

Councilor Dickinson asked to review the physical assessment first then the zoning implications, followed by Chief Mello’s comments as Harbor Executive Director. Mr. Pinheiro stated this is part of the CRMC application process which is currently under review. President Trocki commented the concern is safety of the pier and how the operation interacts with existing uses.

Public Works Director Gray commented the Harbor Commission is responsible for and maintains assets and performs capital improvements to those assets, including the pier. Mr. Gray referenced the Assessment Report and the work been done at Fort Getty and the pier after Storm Sandy. We needed to determine the baseline conditions of the 100-year-old facility, and an assessment was completed in 2014 by consultant RT Group. The inspection covered conditions above the water and below, the work needed, and cost estimates. Topside repair estimates were $250,000 and bottom repair estimates $150,000 to bring the facility from poor to good condition. The flow of water around the peninsula and velocity of the water was noted and anything attached to the pier would need research and design work to determine how long-term this could be maintained. In consultation with RT Group it was determined that until recommended repairs are completed it is not recommended to go forward with any projects fastened to the pier. Anything constructed there would have to withstand the forces on its own and be safe and not cause damage to the town’s facility.

Vice President Meagher noted the cubic feet and weight of water the aquarium would place on the dock (4’ x 20’ x 4’). Mr. Gray noted engineering and technical concerns based on the assessment report and not knowing the impact the aquarium would have on the pier based on the information provided for the Pinheiro’s application. The weight limit is 100 lbs. per square foot for the pier, and calculations for the proposed aquarium would be 240 lbs. per square foot. Councilor Dickinson commented he cannot in good conscience put something on an asset of the town that exceeds its strength. Council members state they cannot approve something that doesn’t fulfill engineering criteria or is not fully documented in the proposal. Mr. Pinheiro stated the water will not fill the entire aquarium. Harbor also needs to weigh-in on when the needed repairs would be performed to help Council determine a target date for any approval of such a project.

Town Planner Bryer commented the town supports aquaculture as outlined in the Comprehensive Plan, Harbor Management Plan and Zoning Ordinance. There is reluctance to support the project as we do not know all the facts, this is a Town park, is waterfront, and a recreational asset. The pier has had a commercial use and there has always been competing interests, but recreation should always be the primary use for the park and a policy decision the town should discuss. It is difficult to set policy when discussing a project. We have a Master Plan and a Land Use Plan for the park to help set policy. We have to determine if the town wants to increase commercial use at Fort Getty. Planner Bryer feels that any increased commercial use should have a basis in recreation. Discussion ensued of the use of up-wellers at other municipal settings. Harbor should have a role in this decision, it comes down to policy setting, and an RFP would provide information. Council members discussed the structure and integrity of the pier, and that Council is not yet at a point where a decision can be made. We need more information on what that dock can hold, and nothing should be approved until the dock is repaired.

Councilor White commented on the frustration that exists when waiting for approval through a government entity. A process must be followed, and Council cannot approve something that no one else in town understands. The Council supports aquaculture, but cannot vote in favor of this right now and will not be able to do so this season. Until all is in order the Council cannot make a decision on an asset of the town owned by the taxpayers. Until a more detailed proposal with concrete facts is provided and pier repairs are complete, the Council cannot vote on the proposal. Mr. Pinheiro stated he will come back to the Council with a more complete proposal.

1. Town Council meeting day/date/time revision for 2nd monthly meeting; review and discussion and/or potential action and/or vote

Councilor Tighe commented on changing the date, day and earlier meeting time for the second monthly meeting, perhaps 5:30 p.m. The Solicitor is available Tuesday, Wednesday and Thursday. Discussion ensued of convenient times for Council and Solicitor. The first Monday of each month at 7:00 p.m. and the third Thursday at 5:30 p.m. beginning in March would work. The Clerk will notice the meeting date, day and time revision.

**A motion was made by Vice President Meagher with second by Councilor White to change the second monthly Council meeting to the third Tuesday at 5:30 p.m. beginning in March. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

## **ORDINANCES AND APPOINTMENTS AND VACANCIES**

None.

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

The Consent Agenda approved consists of the following:

## A) Adoption of Council Minutes

### 1) January 4, 2016 (work session)

### 2) January 4, 2016 (regular meeting)

### 3) January 4, 2016 (executive session)

### 4) January 12, 2016 (joint work session)

## B) Minutes from Boards, Commissions and Committees

#### Jamestown Zoning Board of Review (11/17/2015)

## C) Zoning Abutter Notification:

### 1) Notice is hereby given that the Jamestown Zoning Board of Review will hold a Public Hearing January 26, 2016 at the Jamestown Town Hall, 93 Narragansett Avenue, Jamestown, RI 02835 at 7:00 p.m. upon the following: Application of Edward and Madeleine Gromada, whose property is located at 30 Melrose Avenue and further identified as Assessor’s Plat 8 Lot 580 for a variance from Article 3, Section 2 (District Dimensional Regulation) to construct a front porch 19’8” from the front lot line (same as existing front stoop and stairs) and a second story on the existing house that is 23’8” from the front lot line where 30’ is required. Said property is located in a R20 zone and contains 13,000 sq. ft.

D) Abatements/Addenda of Taxes

Total Abatements: $48,891.73 Total Addenda: $51,145.00

### Properties – Abatements to 2015 Tax Roll

**Account/Abatement Amount**

#### 02-1284-50 $ 6,970.35

#### 04-0775-75 $ 1,576.69

#### 04-0776-00 $20,855.82

#### 07-0131-10 $ 4,364.32

#### 10-0250-00 $ 2,603.27

#### 16-0749-00 $ 3,182.56

#### 19-0012-19 $ 4,956.99

#### 23-1553-00 $ 4,212.16

### Properties – Addenda to 2015 Tax Roll

**Account/Addenda Amount**

#### 01-0043-00 $ 4,364.32

#### 02-0116-75 $ 3,182.56

#### 06-0302-70 $20,855.82

#### 12-0835-01 $ 4,212.16

#### 13-0971-01 $ 504.22

#### 14-0035-80 $ 6,970.35

#### 16-0840-90 $ 2,964.23

#### 16-1342-65 $ 1,006.89

#### 18-0028-80 $ 4,956.99

#### 19-0074-05 $ 1,576.69

#### 19-0074-05 $ 69.05

#### 20-0100-00 $ 481.72

### Motor Vehicles – Abatements to 2013 Tax Roll

### Account/Abatement Amount

#### 06-0497-97M $ 30.47

### Motor Vehicles – Abatements to 2014 Tax Roll

**Account/Abatement Amount**

#### 06-0397-97M $ 64.89

### Motor Vehicles – Abatements to 2015 Tax Roll

**Account/Abatement Amount**

#### 04-0990-85M $ 5.00

#### 06-0397-97M $ 53.35

#### 23-0892-90M $ 15.86

## E) Finance Director’s Report

## F) One Day Event/Entertainment License Applications

### 1) Applicant: Conanicut Island Art Association

Event: CIAA Art Shows for 2016

Dates: 2/4, 3/17, 5/12, 6/16 & 10/6

Location: Town Hall

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

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

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

## A) Communications

### 1) Memorandum of Jamestown Conservation Commission Chair Maureen Coleman requesting the Town’s ordinance review process include a Public Rights-of-Way Ordinance

### 2) Letter of J. Christopher Powell to RI Coastal Resources Management Council requesting CRMC require current and future aquaculture operators move their operations northwest and seaward of the Hodgkiss Farm property

### 3) Letter of Jamestown Conservation Commission to RI CRMC regarding modification application by Joseph and Antonio Pinhiero of Sunset Beach Aquaculture for expansion of existing aquaculture project (oyster operation) at northern Dutch Harbor off Hodgkiss Farm

4) Letter of Jamestown Conservation Commission to RI CRMC regarding application of Jules Opton-Himmel of Walrus and Carpenter Oysters, LLC for an oyster aquaculture operation at northern Dutch Harbor off Hodgkiss Farm

5) Letter of Jamestown Conservation Commission to RI CRMC regarding application of William Cregan for an aquaculture operation at northern Dutch Harbor off Hodgkiss Farm

The Conservation Commission letters to CRMC and the letter of Chris Powell to CRMC regarding aquaculture off Hodgkiss Farm were noted. The Conservation Commission letter regarding rights-of-way was noted.

Ann Kuhn Hines of Narragansett Avenue, Conservation Commission member, referenced the three letters to CRMC regarding aquaculture operations off Hodgkiss Farm, the letter of Chris Powell to CRMC regarding the existing Pinheiro operation, and introduced Mr. and Mrs. Chase of Hodgkiss Farm. There are four aquaculture activities off Hodgkiss Farm, and the Conservation Commission supports aquaculture. When the Pinheiro’s came before Conservation last year they were unaware of the view shed, and Conservation is trying to make CRMC more aware of the competition for aquaculture in the conservation zone. They propose that the existing Pinheiro operation move further off shore, more north and west of the conservation zone. This will become more of an issue as more entities apply for aquaculture projects in the area off Hodgkiss Farm.

President Trocki requested the Conservation Commission keep the Council apprised of the issues. Ms. Kuhn Hines stated the Town may need to hold a public forum of all stakeholders to discuss this issue. Ms. Kuhn Hines noted Dave Beutel, Aquaculture Coordinator for CRMC, would be agreeable to assist with such a forum. The Pinheiro’s did come to the Conservation Commission, but the other applicants did not. Discussion continued.

Town Administrator Nota stated Dave Beutel manages a new program for CRMC for preliminary review of such applications, and he will be at Town Hall on Friday at 3:00 p.m. for a public discussion on the Pinhiero’s expansion proposal. Ms. Kuhn Hines noted the Conservation Commission should work more closely with the HarborCommission on such issues. President Trocki commented on the need for a town-wide policy discussion. Citizens were urged to go to CRMC with their concerns. Ms. Kuhn Hines and Mr. and Mrs. Chase were thanked for coming this evening.

# ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

None.

1. **EXECUTIVE SESSION**
2. Pursuant to RIGL §42-46-5(a) Subsection (2) collective bargaining (union negotiations with (NAGE 68 and NAGE 69); discussion and/or potential action and/or vote in executive session and/or open session
3. Pursuant to RIGL §42-46-5(a) Subsection (5) real estate (potential sale of property); discussion and/or potential action and/or vote in executive session and/or open session

**A motion was made by Vice President Meagher with second by Councilor White to enter into Executive Session at 9:06 p.m. pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining and Subsection (5) Real Estate.**

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

The Jamestown Town Council reconvened the regular meeting at 9:36 p.m. President Trocki announced that no votes were taken in the Executive Session.

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

1. **ADJOURNMENT**

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

The regular meeting was adjourned at 9:37 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Finance Director

Solicitor