# TOWN COUNCIL MEETING

**November 21, 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

Edward A. Mello, Police Chief

Andrew J. Wade, Parks & 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 7:01 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue, and Councilor Dickinson led the Pledge of Allegiance.

Town Administrator Nota announced that notification was received this afternoon from the Board of Elections that non-contested elections were certified.

# ACKNOWLEDGEMENTS, ANNOUNCEMENTS, RESOLUTIONS

# AND PROCLAMATIONS

## Acknowledgements

## Town Council Member Thomas P. Tighe: Recognition of his service to the Town of Jamestown, 2012-2016

President Trocki acknowledged Councilor Tighe’s 48 years of service to the Town of Jamestown; 4 years on the Town Council and 44 years with the Jamestown Police Department as an Officer and Police Chief.

President Trocki read Citations from the RI House and Senate in recognition of his 48 years of service to the Town of Jamestown. (Applause)

Councilor Tighe thanked everyone and stated it was an honor and a privilege to serve with the Council the last 4 years and to serve the Town of Jamestown for 48 years.

Vice President Meagher thanked Councilor Tighe for his kindness, wisdom and guidance and stated “I will miss you.”

Councilor Dickinson thanked Councilor Tighe for the pleasure of serving with him, his counsel, his friendship, and support.

# PUBLIC HEARINGS, LICENSES AND PERMITS

**A motion was made by Vice President Meagher with second by Councilor White to open as the Alcoholic Beverage Licensing Board at 7:08 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

## **Town Council Sitting as the Alcoholic Beverage Licensing Board**

### 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 **RENEWAL** application and **REQUEST TO EXPAND AUTHORIZED SERVICE AREA** has been received by the Town Council under said Act, for the period December 1, 2016 to November 30, 2017 (duly advertised in the *Jamestown Press* October 13th and October 20th); review and discussion and/or potential action and/or vote; continued from November 7, 2016:

#### 

#### **CLASS B – TAVERN**

Bay Voyage, LLC

dba: Bay Voyage

150 Conanicus Avenue

##### Approval of Liquor License renewal application and request to expand the authorized service area for **CLASS B – TAVERN,** upon resolution of debts, taxes, State approval and appropriate signatures for the year December 1, 2016 to November 30, 2017; review and discussion and/or potential action and/or vote

* + 1. Revised seating plan by applicant
    2. Zoning Official Costa’s determination
    3. Police Chief Mello’s recommended restrictions

# Attorney Christian Infantolino and Restaurant Manager Frank Rosa are in attendance on behalf of Bay Voyage, LLC dba: Bay Voyage. Attorney Infantolino explained the proposed expansion of dining service onto the lawn area with six tables seating six people at each table for a total of 36 additional seats for the period April 1st through October 31st. Table seating will cease at 8:00 p.m., with the lawn area vacant by 9:30 p.m. Lighting will include illumination at each table, with twinkle lights and low level walkway lighting for safety purposes. There will be no outside bar or outdoor music, special events will come back to the Council for approval, and approval of the additional table seating will limit the number of patrons congregating on the lawn.

President Trocki referenced Zoning Official Chris Costa’s determination as outlined in his November 17th memorandum:

* There appears to be no conditions or restrictions where alcohol can be consumed or served
* Maximum parking increase generated from the expansion will not exceed the 77 spaces provided (calculations show 186 seats ÷ 5 = 37 plus one per 32 timeshare units is 69 parking spaces required)
* May 2, 2016 Town Council Minutes reflect granted permission to consume alcohol on the designated grass area
* Does not feel this application should be considered an expansion of use requiring separate Zoning Board review
* This application should fall under the jurisdiction of the Liquor Licensing Board for review and consideration.

President Trocki referenced Police Chief Edward Mello’s determination as outlined in his November 17th memorandum with the following 11 conditions:

1. Alcohol service be allowed inside the restaurant area
2. Alcohol service be allowed on the deck area
3. Alcohol service be allowed in plastic ware in fenced pool area
4. Alcohol service be allowed on grass lawn area
5. Signage “NO ALCOHOL SERVICE BEYOND THIS POINT” be installed at east end of sidewalk of front lawn
6. No fixed or portable bar be permitted on the lawn area
7. The number of tables on the lawn area shall be limited to six with six seats each
8. The outside service be limited from April 1st through October 31st
9. The Liquor Licensing Board set an early end to outside service lawn area
10. Applicant to provide detailed floor/exterior plan indicating alcohol service area, proposed bars (permanent and temporary), and alcohol storage area
11. Any outside special events i.e. wedding, music, or entertainment would require a special event license.

Chief Mello approved the 9:30 p.m. time limit for service on the lawn and the revised site plan with six tables of six people. Attorney Infantolino stated the applicant agrees with the Police Chief’s 11 conditions.

Public Comment.

Mary Lou Sanborn of Bay View Drive thanked Attorney Infantolino for his explanation. This is a residential neighborhood, she would like to retain that neighborhood, and there is already outside seating at the Bay Voyage. She expressed concern for food service on the lawn and food droppings creating a rodent problem and asked if the 77 parking spaces included the condo units. Ms. Sanborn was informed that it did.

Vice President Meagher asked if condo unit parking was in the lot or on the street. She was informed the parking spaces include street parking, as granted by the original Zoning Board decision, as shared public space.

Solicitor Ruggiero commented on the Zoning Officer’s decision and that the Zoning Board approves shared parking.

Vice President Meagher stated this is now an expanded use and we are giving the restaurant more control over the parking area.

Solicitor Ruggiero commented any issues caused by the expanded use can be brought before the Town Council, serving as the Licensing Board, for a Show Cause hearing for a problematic licensee.

Dennis Webster of Mt. Hope Avenue commented on the high demand for parking spaces in the Bay View Drive area on weekends during the summer months.

Solicitor Ruggiero stated the Zoning Officer determined it would not have an impact in making his decision. If there are any apprehensions, as the licensing body the Council can have a show cause hearing for unforeseen occurrences, over use, etc. to evaluate the situation, set conditions, and rescind the expansion for a problematic licensee.

Dennis Webster of Mt. Hope stated that on summer weekends those parking spaces are heavily used and are potential parking spaces for Bryer Beach users.

Attorney Infantolino commented that parking is always an issue in Jamestown, and the parking spaces allowed takes into consideration restaurant patrons and condo owners.

Vice President Meagher expressed concern for the expansion of use in a non-commercial area.

President Trocki commented we want businesses to thrive and be open year round, and Jamestowners enjoy alfresco dining. She welcomes the opportunity to test the expanded use, knowing it can be revoked. Ms. Sanborn’s concern for rodents is interesting, and she appreciates the early closure time of 9:30 p.m., which is reasonable. The operation will be monitored and any issues will be brought forward.

Attorney Infantolino commented on regular lawn maintenance and cleaning activities that will keep the area clear.

Councilor Tighe agreed with Vice President Meagher, and he would rather see the licensee come back for special events rather than granting an expanded use. Once you open the gate it becomes difficult, and he can’t give open approval for it.

Councilor White noted previous issues with other establishments the Council addressed to the satisfaction of area neighbors. He is willing to vote to grant the license.

**A motion was made by Councilor White with second by Vice President Meagher to** **grant the license for the Class B Tavern License to the Bay Voyage, LLC. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**A motion was made by Councilor White to expand the authorized service area for the Class B Tavern license to the Bay Voyage, LLC to include the conditions outlined by Chief Mello, limit seating to a total of 36 seats, with the last seating at 8:00 p.m., with the tables being cleared by 9:30 p.m.**

Discussion. Chief Mello will need a specific time in order to determine if there is a violation. Councilor Dickinson suggested limiting the license period for dining on the lawn to the months of July and August. Councilor White stated his preference to keep the license period for the entire time proposed so that the Council could see how it works, and if becomes unruly by June or July, it could be cut off. President Trocki commented these are seated guests for dining with certified TIP servers and wait staff, not a bar party situation.

Attorney Infantolino commented with the current license the Bay Voyage can serve food and patrons could go to the bar, get a drink and bring it back to the lawn area. There is more control with the expansion they are requesting.

President Trocki stated this is a safer option. It is important to come back for a special permit for music or other activity. Chief Mello stated lighting should not cause disruption for the neighbors or a hazard to traffic or pedestrians. Manager Frank Rosa stated lighting will not be bright. Lighting should be limited to table lights, twinkle lights, and low-level ground walkway lighting for safety.

**A second to the motion was made by Councilor Dickinson, with the restriction that lighting is limited to table lights, twinkle lights, and low-level walkway lighting for safety, with no spotlights or other lighting that interferes with area traffic, pedestrians, or neighbors. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Nay. Motion passes by a majority vote in the affirmative.**

**A motion was made by Vice President Meagher with second by Councilor Dickinson to adjourn as the Alcoholic Beverage Licensing Board at 7:38 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

# V. OPEN FORUM

*Please note that, under scheduled requests to address, if the topic of the address is available to be put on the agenda, the Council may discuss the issue*

## Scheduled to address. None.

## Non-scheduled to address. None.

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

None.

## **VII. UNFINISHED BUSINESS**

None.

**VIII. NEW BUSINESS**

## Upcoming meetings, work sessions, budget work sessions, workshops, and other sessions; review and discussion and/or potential action and/or vote

Discussion ensued of scheduling a swearing-in ceremony that would be strictly for the ceremony with a reception and no business meeting. November 28th is the preferred date.

Discussion ensued of the annual session with the School Committee, traditionally held prior to the first meeting in December, which is the 5th. Last year this session was held at 5:30 p.m., followed by Water and Sewer at 6:30 p.m., and Town Council at 7:00 p.m. The second meeting in December is the 19th. Discussion ensued that November 28th is appropriate for the swearing-in ceremony and reception only, with election of the Council President and Vice President. Solicitor Ruggiero stated he would address the solar array project in Executive Session on December 5th. The Library Building Committee will attend the December 19th meeting with preliminary plans for the Library renovations. Other items for discussion at upcoming meetings are the golf course, infrastructure projects, solar array, Ft. Getty, playground, East Ferry, and others that need to come before council for review and discussion, and scheduling of sessions should be an item on December 5th. Discussion ensued of a date and time for the swearing-in, determined it will be November 28th at 7:00 p.m. Discussion ensued of who will administer the Oath of Office, preferably a Jamestown resident, as Senator Reed is unavailable. Councilors are agreeable to the session with the School Committee at 5:30 p.m. on December 5th, followed by Water and Sewer at 6:30 p.m. and Town Council at 7:00 pm.

The Golf Course needs to be a priority in December. If the Council goal is to have a proposal ready for the FTM, a project design must be ready for the end of March or beginning of April. Discussion ensued of having the Golf Course session on December 5th as the first item.

Solicitor Ruggiero suggested putting everything on one agenda so that Council is not bound by a set time. Water and Sewer could be addressed last on December 5th. Discussion continued.

# ORDINANCES AND APPOINTMENTS AND VACANCIES

## Appointments and Vacancies

### Jamestown Housing Authority (One vacancy with an unexpired five-year term ending date of December 31, 2017); duly advertised; no applicants

### Jamestown Tax Assessment Board of Review – Alternate (One vacancy with a one-year term ending date of May 31, 2017); duly advertised; no applicants

### Jamestown Tree Preservation and Protection Committee (One vacancy with an unexpired three-year term ending date of December 31, 2016); duly advertised; no applicants

### Jamestown Juvenile Hearing Board – Alternate (One vacancy with an unexpired two-year term ending date of December 31, 2017)

#### Letter of resignation

##### Theresa DiGiovanni

President Trocki noted the four vacancies and encouraged citizens to apply.

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

The Consent Agenda approved consists of the following:

## Adoption of Council Minutes

### November 7, 2016 (regular meeting)

### November 7, 2016 (golf course workshop)

## Minutes from Boards, Commissions and Committees

#### Jamestown Affordable Housing Committee (02/16/2016)

#### Jamestown Affordable Housing Committee (03/16/2016)

#### Jamestown Affordable Housing Committee (04/13/2016)

#### Jamestown Conservation Commission (10/20/2016)

#### Jamestown Harbor Commission (10/12/2016)

#### Jamestown Library Board of Trustees (10/11/2016)

#### Jamestown Library Renovation Building Committee (10/04/2016)

#### Jamestown Library Renovation Building Committee (10/17/2016)

#### Jamestown Planning Commission (08/17/2016)

#### Jamestown Planning Commission (10/05/2016)

#### Jamestown Traffic Committee (10/20/2016)

#### Jamestown Zoning Board of Review (10/25/201)

## Victualing License Renewal

### Ace’s Pizza, Inc. dba: **Ace’s Pizza**

## Abatements/Addenda of Taxes

Total Abatements: $38,356.92 Total Addenda: $37,003.34

### Motor Vehicles – Abatements to 2016 Tax Roll

**Account/Abatement Amount**

#### 07-1133-30M $ 198.71

### Real Property/Tangible Abatements to 2016 Tax Roll

**Account/Abatement Amount**

#### 06-0212-00 $ 4,340.03

#### 07-0421-50 $ 785.93

#### 08-0257-00 $ 148.43

#### 10-0023-00 $ 2,751.01

#### 10-0129-50 $22,303.29

#### 19-0074-05 $ 263.41

#### 19-0635-00 $ 7,047.88

#### 19-1162-50 $ 518.23

### Real Property/Tangible Addenda to 2016 Tax Roll

### **Account/Abatement Amount**

#### 09-0037-11 $ 518.23

#### 10-0097-05 $22,346.19

#### 12-0084-50 $ 7,047.88

#### 13-1013-80 $ 4,340.03

#### 19-0328-52 $ 2,751.01

## Finance Director’s Report

## One Day Event Licenses

### Applicant: Conanicut Island Art Association

### Event: CIAA Annual Holiday Arts & Crafts Fair

### Date: December 3, 2016

## Location: Lawn Avenue School

### Applicant: Tom Harris

### Event: Jamestown Christmas Tree Lighting Ceremony

### Date: December 3, 2016

### Location: East Ferry Green

### Applicant: Jamestown Community Chorus

### Event: Annual Holiday Concert

### Date: December 10, 2016

### Location: Jamestown Recreation Center

### Applicant: Jamestown Community Band

### Event: Annual Holiday Concert

### Date: December 13, 2016

### Location: Jamestown Recreation Center

**XI. COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS**

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

The Communications received consists of the following:

## Communications

### Letter of Jeff Nicol re: Target shooting ordinance and gun safety

### Letter of Jean Button re: Golf Course building and future uses

### Letter of Carolyn and John Wayt re: tradition of making the highest vote recipient President of the Town Council

# XII. AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

None.

**XIII. EXECUTIVE SESSION**

None.

# XIV. ADJOURNMENT

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

The Jamestown Town Council adjourned the regular meeting at 7:53 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Finance Director

Town Solicitor