# TOWN COUNCIL MEETING

# June 14, 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

Cathy Kaiser, School Committee Chair

James Rugh, Charter Review Committee Vice Chair

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 6:03 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

# AND PROCLAMATIONS

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.*

**A motion was made by Vice President Meagher with second by Councilor Dickinson to convene as the Alcoholic Beverage Licensing Board for the Town of Jamestown and open the public hearing at 6:04 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 **NEW** license application has been received by the Town Council under said Act, for the period May 17, 2016 to November 30, 2016 (duly advertised in the *Jamestown Press* April 28th and May 5th editions), and continued from the public hearing of May 17, 2016:

### **CLASS B – VICTUALER - LIMITED**

PP Jamestown, LLC

dba: Preppy Pig BBQ

35 Narragansett Avenue

Jamestown, RI 02835

#### Approval of the Liquor License for a **NEW CLASS B – VICTUALER – LIMITED LICENSE;** review and discussion and/or potential action and/or vote

#### Approval to raise the **CLASS B – VICTUALER – LIMITED LICENSE CAP** to Two (2) [Present Cap One (1)] and set the **CLASS B – VICTUALER – LIMITED LICENSE CAP** at Two (2); review and discussion and/or potential action and/or vote

#### Approval to raise the total number of **LIQUOR LICENSES** in the Town of Jamestown to **THIRTEEN (13)** from Twelve (12); review and discussion and/or potential action and/or vote

Proprietor Jason Pannone in attendance stated they are not ready due to construction delays. The project is moving forward and should be completed in the next couple of weeks. President Trocki noted the Council is looking at future meeting dates and the next regular meeting is tentatively planned for Monday, June 27, 2016 with continuance of this public hearing to that date when all Council members can be present. Mr. Pannone thinks Preppy Pig BBQ should be ready in two weeks, but it will be tight. Discussion ensued of holding the Water and Sewer meeting at 6:00 p.m. and the Town Council at 7:00 p.m. on June 27th.

**A motion was made by Vice President Meagher with second by Councilor White to continue the Alcoholic Licensing Board public hearing and this permitting process to June 27th at 7:00 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

**A motion was made by Vice President Meagher with second by Councilor Tighe adjourn as the Alcoholic Beverage Licensing Board. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

## Licenses and Permits; review and discussion and/or potential action and/or vote, continued from May 17, 2016

### Multi-License Application (new)

Victualing and Entertainment

#### PP Jamestown, LLC dba: Preppy Pig BBQ

#### Location: 35 D Narragansett Avenue

### Holiday License (new)

#### PP Jamestown, LLC dba: Preppy Pig BBQ

Location: 35 D Narragansett Avenue

**A motion was made by Vice President Meagher with second by Councilor White to continue the Preppy Pig discussion and the Multi-License Application for Victualing and Entertainment and the Holiday License Application to the hearing on the 27th. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

### One Day Event/Entertainment License Applications

#### Applicant: Lawn School 8th Grade Class

Event: 8th Grade Graduation Dance

Date: June 21, 2016

Location: Fort Getty Pavilion

**Additional Request for: Waiver of Pavilion Rental Fee**

**A motion was made by Vice President Meagher with second by Councilor White to approve the One Day Event License for the 8th Grade Graduation Dance and waive the Pavilion rental fee. President Trocki, Aye; Vice President Meagher, Aye; Councilor Dickinson, Aye; Councilor White, Aye; Councilor Tighe, Aye.**

# 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.

## John Pagano of Seaside Drive asked about where the Council is as regards the Rental Ordinance. President Trocki noted the Council will be addressing this under Item VIII. New Business.

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

### None.

# UNFINISHED BUSINESS

## Charter Review Committee Report/Charter Review Process; review and discussion and/or potential action and/or vote

Vice President Meagher commended the Charter Review Committee, who presented their recommendations in plenty of time for inclusion on the November ballot. The CRC was very clear in its methodology and kept its attention to specific items. There were housekeeping recommendations, which she is anxious to put before the public, and recommendations for the Financial Town Meeting, for a more involved discussion. President Trocki referenced the April 6th CRC memorandum and report that listed the recommendations for specific language changes. This discussion regards the 11 suggested items and the Council would like to get at least the housekeeping language revisions on the November ballot. In order to do so, the language must be submitted and approved by the Secretary of State by August 10th.

Vice President Meagher noted she was the non-voting member on the CRC, there were language revisions that were important, and review followed:

Sec. 206. Special Meetings. The proposed language revision “Special Meetings shall be subject to and comply with the Open Meetings legislation of the State as set forth in Title 42, Chapter 42-46 of the Rhode Island General Laws” to be compliant with State law.

Sec. 405. Board of Assessment Review. The proposed language revision removes “There shall be no more than two board members belonging to the same political party non-inclusive of the alternate member” as the felt the political distinction is no longer necessary.

Sec. 406. Town Moderator. The proposed language revision removes “the next highest vote getter from the most recent election shall be elevated to serve until a replacement is found” and replaces it with “the Town Council will appoint a replacement until the next regularly scheduled election” as in a number of past elections only one person ran for Town Moderator.

Sec. 418 Fire Department and Emergency Medical Services. The underlined phrase is being added. Due to the administrative changes in our relationship with the Fire Department that are in progress, we may need to change this language which may warrant holding off on this change, as it may be premature and should be removed from the list. President Trocki noted as we are currently in discussions, it may not be appropriate for a vote in November.

Sav Rebecchi stated he is confused and asked for a point of order. He thought there would be a public hearing and not a motion to go on the ballot. President Trocki explained there will be a public hearing; Council is going through the revisions for those in attendance and the Council for the purposes of information. The public hearing would probably be in July as it has to be scheduled prior to August 10th. Mr. Rebecchi stated he misunderstood, he thought they were going to vote to put them on the ballot this evening.

Vice President Meagher referenced the specifics of the Fire Department as the 501(c)3, and that we are clarifying the relationship. President Trocki stated we may not want to put this forward at this time for notice of advertising. Councilor Dickinson stated we are anticipating it might change.

Sec. 805. Elected Officials. It reads “volunteer ambulance members.” The word ambulance is removed and will now read “volunteer emergency medical service members”.

Sec. 1002. Membership and Term. This regards the three years term limitation that allows someone to be reappointed after one year and gives an exemption for someone who has a certain skill whose absence would be detrimental for the Committee if that person were no longer a member and requires a unanimous vote of the Council.

Sec. 216. Procedure for Adopting Ordinance. This added language requires posting of any ordinance or ordinance amendment on the Town website.

Sec. 503. Vacancies. This section provides for a vacancy on the school committee if there is no “next highest vote getter” willing to serve, then the “council shall appoint a member”.

Sec. 301. Appointment and Qualifications. The language for the Town Administrator is revised to reflect for “an indefinite period of time” with the language added “as outlined by generally accepted professional standards”.

Sec. 404. Tax Assessor. The language “with training and experience” is added.

Sec. 422. Library Trustees. This was note this language should be removed and the Library referred to as the Jamestown Philomenian Library.

President Trocki thanked the Charter Review Committee for the extensive work and a job well done. The Council needs to proceed to a notice to advertise for public hearing on the Charter amendments. Discussion ensued. Council members plan to hold one meeting in July and one in August.

**A motion was made by Vice President Meagher with second by Councilor White to advertise the Charter amendments for the housekeeping Items 1 through 11, holding Item 4 referring to Sec. 418 Fire and Emergency Services and the Resolution.**

Discussion. This does not include the Resolution on the Financial Town Meeting.

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

Vice President Meagher stated the Resolution was a recommendation for the Financial Town Meeting asking the Council to review how the FTM is run, strongly recommending the “implementation of a paper ballot or electronic ballot to approve the Town, School, ands combined budgets and any warrant item exceeding $50,000, whether through a Financial Town Meeting or through an all-day Referendum”. The CRC hoped the Council would review the FTM process; however our FTM rules are made by the Town Moderator. This warrants a lot of conversation, and this is what the CRC wants the Council to do and could be part of the discussion at the July 19th meeting, but not part of the ballot. Councilor White stated there is no direction, just a suggestion for Article XI. for the FTM. He feels when you go to secret ballot it is not a town meeting, the most democratic form of government, and would be a strong change to the Charter. President Trocki asked for other comments.

Councilor Dickinson stated the Charter describes there will be a meeting to address the budget, and the recommendation was not to lose the meeting. Technology allows use of various forms of media for debate, and this does not limit debate. There is no provision in the Charter for making such a change to the Charter, there is no provision for citizens to change the process, and it doesn’t force Council to do anything as a body. Vice President Meagher stated this is a big change that requires a town-wide conversation with multiple discussions. Councilor Dickinson referenced his previous action to obtain signatures to see if there was support for an all-day referendum. There is no pathway in the Charter to do this, but there is in the meeting to call for a paper ballot. Discussion ensued. There is no avenue to make such a change, and it is appropriate to have discussions and obtain legal advice.

Charter Review Committee Vice Chair Jim Rugh is in attendance on behalf of Chair Arlene Petit, and read her letter as follows:

I am sorry that I am unable to attend tonight’s meeting. I would like to clarify something that seems to be a misunderstanding regarding the Resolution from the Town Charter Review Committee. Article XI. Financial Provisions. It was the recommendation of the Town Charter Review Committee, and their hope, that the Council would give the budget process, whether it be, at the FTM or by a separate referendum, a thorough review and support the following Resolution.

**The TCRC strongly recommends the implementation of a paper ballot or electronic ballot to approve the Town, School and combined budgets and any warrant item exceeding fifty thousand dollars ($50,000), whether through a Financial Town Meeting or through an all-day referendum.**

It was the intent of the TCRC to recommend the implementation of a paper ballot or electronic ballot to approve the Town, School and combined budgets and any warrant item exceeding fifty thousand dollars ($50,000), whether through a Financial Town Meeting or through an all-day referendum – but instead support a review of the budget process. It was the intent of the TCRC to request that the Town Council review the budget process as a whole. If there is further information required on the above, I will request that the members of the TCRC meet with the Town Council.

Submitted by,

Arlene Petit, Chair of the TCRC

President Trocki noted this is the same conclusion the Council just came to. Councilor White stated he isn’t saying don’t have the review, but he is not sure putting this in the Charter is the right way.

John Pagano of Seaside Drive stated the CRC is not trying to eliminate the FTM. The process needs to be more democratic and we need to give the Island people the opportunity to vote. The meeting begins at 7:00 p.m. which is difficult for voters and citizens to attend and vote on the budget. A paper ballot at the FTM or an all-day referendum would give everybody an opportunity to look at the budget, and the FTM could be one at which the budget is explained and followed by a paper ballot or all-day referendum. He prefers the all-day referendum. Vice President Meagher states it should be a conversation in town with dedicated meetings.

Norma Willis of North Main Road stated she did not attend the FTM. She is 84, heard there would be a large turnout with standing room, and she can’t handle that. She believes there should be an all-day referendum so that people don’t have to stand, unless there is a larger venue.

Rosemary Woodside of Skysail Court stated her agreement with Norma. If you want all taxpayers to be represented, a larger venue or a paper ballot would be needed. Meetings tend to be stacked with special interest groups, and it is intimidating when talking about the Police Department or Fire Department to vote no. Electronic or mail in ballot following an FTM would be appropriate.

Jerome Scott of Walcott Avenue stated he had experience with open town meetings in Rockport, MA, which is much like Jamestown. The open all-day referendum was very effective. Everyone had a chance to speak and it was well attended. Mr. Scott explained the all day open meeting, 9:00 a.m. to 4:00 p.m., held on a Saturday, with each item open for discussion on a sequential basis and then voted on. It was very successful and well attended, and it was more open and inclusive.

Sav Rebecchi of Sail Street stated 15 years ago he served on his first Charter Review Committee with Chief Tighe. We were fortunate many original members were part of the process. The original FTM was similar to what Jerry Scott described. As the Town got larger the budget hearing process evolved through the Council with finalizing at the FTM. The intent of the FTM was so that fellow citizens could look you in the eye when you decided to spend or not spend their money. He has always been an advocate for keeping the FTM and is in favor of the way we do it now. He has suggestions to consider for amending the Charter and asked how the Council would accept them. President Trocki suggested he forward them to the Town Administrator.

Councilor Dickinson stated he would have an objection, as the CRC has already done that and it takes the nine-month process to review the issues. Mr. Rebecchi stated one of his proposals would be how the CRC meetings are conducted. 60% of the CRC meetings were held at 3:30 p.m., not 7:00 p.m. He submitted a letter with suggestions, and he was not contacted to come to a meeting to discuss them. Councilor Dickinson stated he doesn’t disagree. The Chair had a defined process. The suggestions he (Sav) submitted were discussed during the process.

Mr. Pagano stated the Chair read Mr. Rebecchi’s letter and it was discussed within the confines of what the CRC had decided to make changes to at the Charter review. Mr. Rebecchi stated there was no procedure the public could know on how the suggestions would be handled. President Trocki reiterated the recommendation to submit any suggestions to the Town Administrator. Councilor Dickinson stated it is the Town Council’s purview and it doesn’t have to be codified.

Mr. Rebecchi stated by codifying it when the next review takes place in six years, it ensures certain procedures are followed. Discussion ensued.

The notice for advertising for the Charter Review public hearing will take place at the June 27th meeting at 7:00 p.m., and the July 19th meeting will be at 6:30 p.m. to include the Charter housekeeping issues, and at future dates the other issues will be an ongoing discussion throughout the year.

# NEW BUSINESS

## Town Council Meeting dates for July and August; review and discussion and/or potential action and/or vote

June 27th is the next Council Meeting, with Water and Sewer at 6:00 p.m. and Town Council at 7:00 p.m. The following meeting is July 19th with Water and Sewer at 6:00 p.m. and Town Council at 6:30 p.m. Discussion ensued of the best date for the August meeting. It was determined August 16th was the best date, with Water and Sewer at 6:00 p.m. and Town Council at 6:30 p.m. Vice President Meagher will confer with the Library Trustees to schedule the needs assessment presentation. Discussion ensued of Town Council Meeting dates and agenda items as follows:

June 27th Water and Sewer meeting at 6:00 p.m. - will include the Water and Sewer Budget review and approval.

June 27th Town Council Meeting at 7:00 p.m. - will include the Fire Department Bid award recommendation, the notice of advertisement for the Rental Properties Ordinance, the notice of advertisement for the Traffic Ordinance amendment (Columbia Avenue), and the notice of advertisement for the Charter Amendments public hearing.

July 19th Water and Sewer Meeting - will be at 6:00 p.m.

July 19th Town Council Meeting at 6:30 p.m. - will include the Charter Amendments public hearing, Rental Ordinance public hearing, Traffic Ordinance Amendment public hearing, and the notice of advertisement for the Target Shooting Ordinance.

August 16th Water and Sewer Meeting - will be at 6:00 p.m.

August 16th Town Council Meeting at 6:30 p.m. - will include the Target Shooting Ordinance public hearing.

June 22nd at 6:00 p.m. - Parks and Recreation workshop at Town Hall.

June 21st at 3:30 p.m. - the Ordinance Review Committee will meet and include the Rental Ordinance.

The Golf Course update will be on an upcoming agenda, with a workshop after the summer, and Mackerel Cove discussion will be on an agenda after the summer.

# ORDINANCES AND APPOINTMENTS AND VACANCIES

None.

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# CONSENT AGENDA

None.

# COMMUNICATIONS, PETITIONS, AND PROCLAMATIONS AND RESOLUTIONS FROM OTHER RHODE ISLAND CITIES AND TOWNS

None.

# AGENDA ITEMS FOR THE NEXT MEETING AND FUTURE MEETINGS

Addressed previously.

# EXECUTIVE SESSION

None.

# ADJOURNMENT

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

The special meeting was adjourned at 7:07 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council

Town Administrator

Town Solicitor

Finance Director