TOWN COUNCIL MEETING April 21, 2014

I. ROLL CALL

Town Council Members Present:

Kristine S. Trocki, President Mary E. Meagher, Vice President Thomas P. Tighe Eugene B. Mihaly Blake A. Dickinson

Also in Attendance:

Andrew E. Nota, Town Administrator
James Bryer, Fire Chief
Lisa Bryer, Town Planner
Christina D. Collins, Finance Director
Donna Fogarty, Library Director
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
William Piva, Parks and Recreation Director
Peter D. Ruggiero, Town Solicitor
Cheryl A. Fernstrom, Town Clerk

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Trocki called the meeting of the Jamestown Town Council to order at 7:37 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and Councilor Dickinson led the Pledge of Allegiance.

III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS AND RESOLUTIONS

A) Resolutions

1) No. 2014-02: "A Referendum Relating to the Code of Ethics" for a Constitutional amendment to include the RI General Assembly under the jurisdiction of the RI Ethics Commission.

This Resolution was passed by Council last year. Councilor Mihaly would like to see Council pass this Resolution again, and recent events demonstrate why the Ethics Commission should have such jurisdiction. Council members concur, if there were one body in the State that should be under the jurisdiction of the Ethics Commission, it is the General Assembly.

A motion was made by Mary Meagher with second by Eugene Mihaly to adopt Resolution No. 2014-02 A Referendum Relating to the Code of Ethics. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

President Trocki read the Resolution. Andy Yates was thanked for bringing this resolution forward.

2) No. 2014-04: "A Resolution to Increase the Annual Fee for the Transfer Station Residential Vehicle Permit".

President Trocki read the Resolution. This fee increase was proposed to cover the \$100,000 cost of the new trash compactor by raising the annual permit fee \$25.00. Town Administrator Nota explained the Transfer Station operating costs and revenues, which run at a small deficit annually and the necessity for the fee increase so that the Transfer Station will break even. The secondary trash compactor is nearing the end of its life as well and will require replacement in a few years.

Sav Rebecchi of Sail Street asked where Transfer Station revenues for white goods are recorded. Finance Director Collins noted this is recorded in Public Works revenue, approximately \$10,000 last year. The last permit fee increase was 2004. Discussion continued.

Steven Lewis of Deck Street asked if the \$25.00 was enough to cover the cost of the compactor. Mr. Lewis was informed it would.

A motion was made by Mary Meagher with second by Eugene Mihaly to support the Resolution and raise the Transfer Station Residential Vehicle Permit to \$125.00. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

A motion was made by Mary Meagher with second by Eugene Mihaly convene as the Alcoholic Beverage Licensing Board and open the public hearing at 7:51 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- A) Council Sitting a Alcoholic Beverage Licensing Board
 - Request for a motion that the application listed below will be in order for hearing at a meeting of the Town Council sitting as the Alcoholic Beverage Licensing Board on Monday, May 19, 2014 at 7:30 p.m. and advertised in the

Jamestown Press, as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended, for an **EXPANSION OF USE** under said Act, for the period May 20, 2014 to November 30, 2014:

CLASS B – TAVERN

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

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to advertise. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

A motion was made by Mary Meagher with second by Eugene Mihaly to adjourn as the Alcoholic Beverage Licensing Board at 7:53 p.m. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) <u>Public Hearings:</u>

Proposed Amendment of the Jamestown Code of Ordinances, Chapter 82 Zoning Ordinance, Article 14 Accessory Family Dwelling Units, Section 82-1403 General requirements and standards, Subsections E. and H.; duly advertised in the *Jamestown Press* April 3rd, April 10th, and April 17th editions

A motion was made by Mary Meagher with second by Blake Dickinson to open the public hearing for the proposed amendment to the Zoning Ordinance. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Dickinson, Aye.

Town Council comments. Town Planner Lisa Bryer, Solicitor Peter Ruggiero, and Building/Zoning Official Fred Brown were thanked for their hard work in developing this improvement to the original ordinance. Vice President Meagher proposed one modification to the amendment on Page 2 E., which should read: "... shall not occupy more than 33% of the <u>floor area net</u>" eliminating the language: "gross livable floor area (add definition) of the entire structure" as "area net" is outlined in our Zoning Ordinance and recommended by Solicitor Ruggiero.

Town Planner Lisa Bryer noted the Accessory Family Dwelling Unit ordinance was adopted October 6, 2013. The ordinance requires a special use permit for detached structures, and the amendment will allow it as long as the primary structure meets the required setbacks. Currently AFDU's are not permitted on undersized lots. The amendment will allow them on undersized lots without a significant impact for the

following: 1) for new structures where no variances are required; 2) where no exterior changes are proposed to the structure; and 3) for a structure on a private septic system if the number of bedrooms proposed are already permitted. The ordinance was developed to promote intergenerational living so that people who require assistance have a place to live that is legal and accommodates a need. There were two AFDU applications to date, but they did not qualify, prompting review of the current ordinance. The amendment will assist those applications for reconsideration. Council members comment this is an honorable step that accommodates a need in our community.

Public comments. Steve Lewis of Deck Street commented on increased water use with the addition of kitchens and bathrooms for the units, overwhelming septic systems in more densely populated areas, and what happens when the need is no longer there, and the units now become rental apartments? Town Council members explained the use is for an intergenerational family need only, and require an annual affidavit. If the family member is no longer at the residence, the use is no longer permitted. Non-filing of the annual affidavit would prompt action by the Building/Zoning Official so that illegal apartments would not result; penalties and fines are levied for non-compliance. RIDEM determines water use by bedroom, and that is the definition followed by this ordinance.

Sav Rebechi of Sail Street stated he is a proponent of the ordinance, Lisa Bryer and the Planning Commission have done a wonderful job, the amendment mostly affects village properties, and he totally supports this ordinance and the amendment.

Unknown woman expressed concern for the impact on our water and septic, and hopes the fines are high for those who do not follow the provisions of the ordinance. She wishes this alternative was available when she was taking care of her mother.

A motion was made by Mary Meagher with second by Eugene Mihaly to close the public hearing and adopt the amendment to the Accessory Family Dwelling Unit Ordinance as amended. President Trocki, Aye; Vice President Meagher, Aye; Councilor, Tighe; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

C) Licenses and Permits

2) One Day Event/Entertainment License Application

Applicant: Jeff Bush/Jamestown Cal Ripken League Event: Cal Ripken League Opening Day Parade

Date: May 3, 2014

Location: Narragansett Avenue to Lawn Avenue

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the One Day Event License application. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

V. OPEN FORUM

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

A) Scheduled to address.

- 1) Bruce J. Whitehouse re: Performing Arts Center
- B. J. Whitehouse of Steamboat Street stated he is here on behalf of only himself. Mr. Whitehouse referenced a meeting he attended March 18th as part of a group of interested people regarding the space needs for performing arts and asked if Councilor Mihaly chaired such a meeting. Councilor Mihaly stated he did not, and President Trocki noted this was not a Council meeting of any kind, and she was unaware it took place. Mr. Whitehouse asked when the idea of a performing arts center had withered. President Trocki informed him there have been no discussions on this, no decisions have been made, and there is a work session scheduled for April 29th with the Collins Center to review their report on recreational and cultural arts space needs. Mr. Whitehouse commented Architect Bill Burgin was supposed to have some sessions on this, but they have not taken place. He would like a Town Council appointed committee formed to investigate the need for a performing arts center in Jamestown, prepare a feasibility study, and he is willing to work on such a committee. His goal is to see such a facility built in the next few years that is worthy of Jamestown and its residents. He would such a performing arts center paid for by fundraising, so that it does not have an impact on the taxpayers, and create an endowment to fund it for the future. Discussion continued. Mr. Whitehouse was thanked for his comments and ideas.

B) Non-scheduled to address.

David McLaughlin of Newport stated he is here to address the Conservation Commission's support for House Bill 7178 under New Business. He was asked to make his comments when that agenda item is discussed.

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

- A) Town Administrator's Report: Andrew E. Nota.
- 1) Collins Center Report. Mr. Nota reminds everyone the Collins Center will present their report on April 29, 2014 at 6:00 p.m. If anyone is not able to attend and has questions, contact his office so they can be raised at the work session.
- 2) Draft Resolution for the Affordable Housing Trust Fund. This has been drafted and will appear on the May 5th agenda for discussion. We need direction on the amount, previously discussed as \$400,000, and approval at the FTM is required to use the undesignated reserve fund to take advantage of programs and opportunities that may surface.
- 3) Facilities at the Golf Course. This is time-sensitive based on the time line for bonding authorization. Mr. Nota would like to reach out to the architect to schedule

dates at the beginning of May for one or more sessions for this project, which must be forwarded to the State House for preparation for the November ballot. He will meet with Mr. Burgin in the interim.

4) Acknowledgements. Mike Gray, Brian Dutra, Bill Page, Maureen Coleman and Ann Kuhn worked with Wendly Ferguson and Save the Bay on a recent project. Save the Bay appreciated their efforts that facilitated a successful project. The Clerk will send a letter of thanks to our Town staff and volunteers for a job well done.

Police Lt. Angela Denault was awarded the John Coyle Scholarship to attend the executive development course at Roger Williams University. We congratulate Lt. Denault and wish her success in the program.

VII. UNFINISHED BUSINESS

A) Traffic Study: Helm Street and Bow Street. Police Chief Edward Mello. Councilor Tighe stated the Traffic Committee has not seen this report.

A motion was made by Thomas Tighe with second by Blake Dickinson to forward the traffic study to the Traffic Committee, with a report back to the Council from them. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

B) Comprehensive Community Plan Joint Public Hearing – Request to Reschedule.

Town Planner Lisa Bryer stated the public hearing was scheduled for May 21st. The Comprehensive Plan revision was adopted by the Planning Commission, and after preliminary review by the State using the new interim guidelines, we are in negotiations on additional changes. The Planning Commission prefers to receive final comments before moving forward with the public hearing process. We should hear from the State in the near future, and will come back to Council for a new public hearing date at that time.

VIII. NEW BUSINESS

A) Conservation Commission Request re: Support for House Bill 7178 Plastic Waste Reduction Act. President Trocki abstains on this issue, leaves the dais, turns the meeting over to Vice President Meagher, and files the appropriate form.

Channing Jones of Environment RI was in attendance at the request of Conservation Commission member Michael Brown. He expressed his organization's support for House Bill 7178 "Plastic Waste Reduction Act" and accompanying Senate Bill 2314, gave an overview of his organization, and explained the environmental and municipal problem created by plastic bags, their improper disposal, its affects on rivers, streams, the ocean, marine wildlife who mistake them for food, litter, and the long-term problems created for

future generations. The solution is reusable bags. Over 100 municipalities have passed such bans, and it is spreading to New England, including the Town of Barrington. The letter of Barrington Town Council Vice President Kate Weymouth was referenced and read, urging Jamestown to support House Bill 7178 and the Conservation Commission's request. Agencies that have endorsed the legislation were referenced, and Mr. Jones offered his assistance.

Dave McLaughlin of Newport expressed support for this legislation and a statewide initiative on behalf of Clean Water Action. There are alternatives to the plastic bags, this is a step in the right direction, and he offers his assistance. Vice President Meagher noted Mr. McLaughlin's designation as one of the volunteers of the year as acknowledged by the *Newport Daily News*.

Councilor Mihaly expressed concern the legislation does not go far enough to encourage reusable bags, and will shift businesses and consumers to the use of paper bags. He recollected his term as a naval officer and the plastic bags he saw when out to sea, which is getting worse. He is in favor of such a ban on plastic bags.

Sav Rebecchi of Sail Street understands the problem, and supports education and working with local businesses, rather than mandates.

Councilor Dickinson states he appreciates concern for plastic waste reduction and the intentions of the Bill, but he does not support it, as he believes it is wrong to force private citizens to do something, and it is favorable to encourage education and support the effort, not mandate it. Councilor Dickinson stated advisory sub committees are not always in tune with Council goals. He is in favor of nature and protecting marine life, but his research did not reveal the number of incidents of marine life deaths nor any cost analysis that would justify a mandate. It is in everyone's best interest to reduce plastic waste, but he does not think the Town should be involved in any mandate.

Vice President Meagher noted this is different than the previous initiative, and she shares the concern that sub committees become overly enthusiastic. Asking for a resolution to support a statewide action makes this more appealing to her. Plastic bags were a benefit when we thought plastic saved the world, but now we've seen the consequences. She supports this as it is a statewide idea, the letter from the Barrington Town Council Vice President makes this clearer, and she would entertain a motion to support House Bill 7178.

Town Administrator Nota referenced the communication from the Chamber regarding their efforts to support a voluntary initiative. Looking through the Bill, there is a hefty regulation burden that should be kept in mind, we should be more cautious, and he would like to review this further and come back with a recommendation prior to moving forward.

Councilor Dickinson commented on the location of recycling receptacles at local businesses; he feels we haven't really given recycling a try.

Councilor Mihaly noted the history of environmental cleanup. Education sometimes is not enough, and as a society we need to take on the legal responsibility to retrain ourselves. The strain on the business community is not that bad and will be passed on to the consumer.

Council will wait until Town Administrator Nota completes his report. President Trocki returns to the dais and presides over the meeting.

B) Adoption of FY 2015 (July 1, 2014 to June 30, 2015) Total Budget (Operating Budget, Capital Budget, and School Budget).

President Trocki expressed the Council's appreciation for the work of Town Administrator Nota and Finance Director Collins. Mr. Nota referenced budget changes posted last week by the School Committee. The two notable changes included the reduction of \$301,567 from the February 27th adopted budget, based on declining enrollment, reducing their budget \$124,166 or 1.12% below the FY 2014 budget. The second change was a rededication \$297,513 of the undesignated reserve funds to the district's OPEB debt obligation. The School Committee's actions led to a reduction in the overall tax levy requirement. Other reductions/increases include a decrease of \$54,757 from the operating budget and \$12,651 from debt service; a \$41,000 increase in capital expenditures; increased Grant funding of \$8,857; and a decrease in nutrition funding of \$4,000.

The Total Proposed FY 2015 Town and School Budget is \$22,658,804, which is \$532,655 or 2.4% above the current budget. The proposed Town Operating Budget is \$8,041,656, an increase of \$327,821 or 4.2%, the proposed Capital Budget is \$1,407,000, reflecting an increase of \$154,784 or 12.4%, and Debt Service is \$834,630, an increase of \$71,601 or 9.4%. The proposed School Operating Budget is \$11,997,315, a reduction of \$49,900 or .4%, the proposed Capital budget is \$120,000, an increase of \$41,000 or 51.9%, and proposed Debt Service is \$258,203, a reduction of \$12,651 or 4.7%, for a Total School Budget of \$12,375,518, a decrease of \$21,551 or .2%.

To support the FY 2015 appropriation, a property tax rate of \$8.75 is required, the same rate in place for FY 2014, the current fiscal year. Municipal operations require an increase from \$3.52 to \$3.77, or 7.3%; School Department operations will realize a decrease from \$5.23 in FY 2014 to \$4.98 in FY 2015, or 4.9%.

Discussion ensued of Property Tax levy, distribution, and growth. Discussion ensued of proposed 2015 Revenues and Undesignated Fund Balances. Total Net Assessed Value of Real Estate and Tangibles is \$2,178,272,576; Total Net Tax Levy for Real and Tangible Property is \$9,284,784.29. Total State Aid is projected at \$743,901, an additional

\$82,919 over FY 2014. Total Local Revenues (municipal) are projected at \$1,655,195, an increase of \$154,145 over FY 2014. Total Local Revenues (school) is projected at \$1,057,972, an increase of \$396,070. The balance of revenues to support the budget are derived from local property and motor vehicle taxes. The Property Tax Levy for FY 2015 is \$18,483,757. Proposed property tax levy growth generated in FY 2014-2015 is limited to .73% or \$133,883 more than the current year levy. This is below the 4% annual levy increase allowed by State law, which would allow the Town a total property tax levy of \$19,083,868, or an increase of \$733,994. The proposed budget reflects an increase of \$133,883, an amount \$600,111 below the statutory tax cap.

The Town's Capital Improvement Program was revised with a shift in funding, allocating \$1,022,000 for Public Works, an increase of \$572,000 for FY 2015, for much needed road repairs and construction, including several critical areas that require immediate attention. Public Works Director Michael Gray gave an overview of the Bay View Drive and North Bay View Drive projects. North Bay View Drive includes damage to 400 linear feet of embankment, resulting in extensive repair and permitting costs. Lengthy discussion ensued of damages and allowed stabilization work. Mr. Gray met with CRMC, and stabilization costs are estimated at \$700,000. Bay View Drive was damaged by Storms Irene and Sandy, with extensive damage to 600 linear feet of embankment, estimated at \$200,000. Mr. Gray noted work that could be performed by Town staff. Extensive damage was also sustained to the main sewer interceptor into the Waste Water Treatment Plant. Per CRMC regulations, repair work can only be done to what exists today – you can't take back what was lost. The work needs to commence so that further damage does not result. Discussion continued.

Town Administrator Nota recognized the significant work involved with the budget preparation by Town staff, particularly the major shifts made last week. Finance Director Collins did a fine job, demonstrating her commitment to the Town.

The .73% increase in the budget was noted, needed to fund capital projects. Due to growth in the tax base (real estate), there is no change in the tax rate from last fiscal year. Councilor Dickinson referenced the previous discussion of standardizing town vehicles. He recognized the hard work done by the School Committee, and in particular Finance Director Jane Littlefield. The Council looks forward to presenting this budget at the FTM in June and expressed appreciation for the School Department and Town staffs; kudos to all for putting the Town's needs first. The Council is pleased with what can be accomplished without a significant tax increase.

Public comment. Sav Rebecchi of Sail Street commented on the upper Shores area of 790 homes. The residents were pleased with the proposed Fire facility for that area and he asked what happened to it. Mr. Rebecchi was informed it was not removed from the budget, is part of a larger discussion, and the Fire Department downtown station became the larger discussion; it is still in the works. Fire Chief Bryer stated he has not given up on a north end facility.

Town Administrator Nota reviewed the re-prioritization, including the downtown station, ALS, and the \$100,000 for plans for redesign of the main station. The Town will have to go to Bond for the upgraded fire station facility. The Town should recoup some of that funding by purchasing standardized vehicles for the retrofitted facility. Discussion ensued of necessary vehicle replacements. The north end facility is still a priority.

Mr. Rebecchi stated he likes zero budgets. He has no problem using the rainy day fund to achieve zero budget increases. Council noted we are already at a zero budget increase, and we don't need to use funding from the rainy day fund.

President Trocki calls for a motion for adoption of the budget.

A motion was made by Blake Dickinson with second by Mary Meagher to adopt the FY 2015 Town General Fund Budget of \$10,283,286, the FY 2015 School Budget of \$12,375,518, for a Total FY 2015 Budget of \$22,658,804. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Town Council Work Session on Tuesday, April 29th at 6:00 p.m. for review of the Collins Center Recreation Study report on Cultural Arts and Recreations Activities Space Needs Assessment was referenced.

- C) Agenda items for May 5, 2014
 - Harbor Ordinance and Harbor Management Plan public hearing continuations
 - Warrant for Affordable Housing
 - Sub Committee for a Performing Arts Facility
 - Video Surveillance Policy
 - Proposed Ordinance Amendment buildings of value
 - Traffic Committee Report

IX. ORDINANCES AND APPOINTMENTS

- A) Appointments/Resignations/Vacancies
 - 1) Affordable Housing Committee Term ending May 31, 2014
 - a) Third term limit reached
 - i) Valerie Molloy

A letter of thanks will be sent to Valerie Molloy for her services to the Town, and the vacancy will be advertised.

- 2) Fire Department Compensation Committee Term ending May 31, 2014
 - a) Third term limit reached

i) James Ingari

A letter of thanks will be sent to James Ingari for his services to the Town, and the vacancy will be advertised.

- 3) Harbor Commission One (1) vacancy for an unexpired three-year term ending December 31, 2015 (commercial mooring operator)
 - a) Application for appointment Interview complete
 - i) Joseph Patrick McGrady, Jr.

A motion was made by Eugene Mihaly with second by Mary Meagher to appoint Joseph Patrick McGrady, Jr. to the Harbor Commission for the unexpired term.

Discussion. The interview went well, Mr. McGrady is excited to be here, and is the new owner of Dutch Harbor Boat Yard. He is well suited to the position and is committed to get involved in Town.

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

- 4) Town Buildings & Facilities One vacancy with a three-year term ending May 31, 2017)
 - a) Request for Reappointment
 - i) Valerie Molloy

Vice President Meagher asks for a hold on the appointment as the Committee has not met recently. This will be placed on the May 5th agenda for a discussion where the committee is going, their charge, and if they will have a roll in the review of a potential Performing Arts Center.

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) Finance Director's Report.

A motion was made by Thomas Tighe with second by Blake Dickinson to approve the Consent Agenda. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

XI. EXECUTIVE SESSION

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

A) Pursuant to RIGL §42-46-5(a) Subsection (2) Collective Bargaining (IBPO Contract); discussion and/or potential action and/or vote in executive session and/or open session

Information required for the Executive Session was not received and this is continued to the next Town Council meeting agenda.

XII. ADJOURNMENT

A motion was made by Thomas Tighe with second by Blake Dickinson to adjourn the meeting. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The regular	meeting was adjourned at 9:30 p.m.
Attest:	
Cheryl A. Fe	ernstrom, CMC, Town Clerk
Copies to:	Town Council (5)

Town Administrator Finance Director Town Solicitor