

TOWN COUNCIL MEETING MINUTES
November 28, 2022

I. ROLL CALL

A special meeting of the Jamestown Town Council was held on November 28, 2022, Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Jamie Hainsworth, Solicitor Peter Ruggiero, Police Chief Edward Mello, Finance Director Christina Collins, Building and Zoning Official Peter Medeiros, Town Planner Lisa Bryer, Harbor Clerk Joan Rich, Clerk's Assistant Denise Gamon and Town Clerk Roberta Fagan.

II. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Town Council President Beye called the meeting of the Jamestown Town Council to order at 5:01 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

III. OPEN FORUM

Comments are not limited to items on this agenda. However, items not on this agenda will only be heard and not acted upon by the Town Council. Note: Section 42-46-6 of the Open Meetings Act, and Department of the Attorney General Advisory Opinions relevant to this item on any public body meeting agenda specifically prohibits the Town Council from discussing, considering or acting on any topic, statement or question presented. The Town Council may, if warranted, refer such matters to an appropriate committee, to another body or official, or post the matter for consideration at a properly-noticed, future meeting.

- A) Scheduled request to address
- B) Non-scheduled request to address – Mary Lou Sanborn, 21 Bayview Drive, would like to address the Town Council regarding the renewal application of JB's On the Water. She forwarded a letter to the Town Council with her concerns earlier that day (attached).

President Beye assured Ms. Sanborn she would have an opportunity to speak during the meeting.

A motion was made by Vice President Meagher with a second by Councilor M. White to convene as the Town Council sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye

IV. PUBLIC HEARINGS, LICENSES AND PERMITS

- A) **Town Council Sitting as the Alcohol 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. The following Applications for RENEWAL have been received by the Town Council for licenses under said Act, for the year December 1, 2022, to November 30, 2023 (duly advertised in the Jamestown Press on November 10th and November 17th), upon resolution of debts,

taxes, State approval and appropriate signatures. **Review, Discussion, and/or Action and/or Vote:**

1) Approval of Applications for **Renewal of Class A (Package Store) Retail Liquor License:**

- a) Varsha, Inc. dba: Jamestown Wine & Spirits, 30 Southwest Ave
- b) Tunstall, LLC, dba: Grapes & Gourmet, 9 Ferry Wharf

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the applications for the Renewal of Class A (Package Store) Retail Liquor Licenses. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

2) Set the **Class A (Package Store) Retail Liquor License Cap at Two**

A motion was made by Vice President Meagher with a second by Councilor M. White to approve setting the Class A (Package Store) Retail Liquor Licenses Cap at Two. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

3) Approval of application for Renewal of **Class B Victualer Limited Liquor License:**

- a) Our Table LLC dba: Our Table, 53 Narragansett Avenue
- b) ~~Village Hearth Bakery~~ VHBC, LLC, dba: Village Hearth Bakery & Café, 2 Watson Avenue (correction)

Discussion ensued. VHBC, LLC has a Zoning Board decision restricting alcohol service to Friday, Saturday, and Sunday between the hours of noon-8 pm. The applicants modified their application to reflect the zoning restriction. **See page 4

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the applications for the Renewal of Class B Victualer Limited Liquor License as amended. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

4) Set the **Class B Victualer Limited Liquor License Cap at Two**

A motion was made by Vice President Meagher with a second by Councilor M. White to approve setting the Class B Victualer Limited Liquor License Cap at Two. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

5) Approval of Application for Renewal of **Class B Victualer Liquor Licenses:**

- a) Conanicut Restaurant Group II, LLC, dba: Beech, 13 Narragansett Avenue
- b) Epic Decade, LLC, dba: Curiosity & Co, 14 Narragansett Avenue
- c) Jamestown Locals, LLC, dba: Narragansett Café, 25 Narragansett Avenue
- d) Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf, 3 East Ferry Wharf

- e) KALI, LLC, dba: J22 Tap & Table, 22 Narragansett Avenue
- f) New England Golf Course Management, Inc., dba: Jamestown Golf and Country Club, aka: The Caddy Shack, 245 Conanicus Avenue
- g) Slice of Heaven, Inc., dba: Slice of Heaven, 32 Narragansett Avenue
- h) Tallulah's Taqueria, LLC, dba: Tallulah's Tacos, 35 Narragansett Avenue

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the applications for the Renewal of Class B Victualer Liquor Licenses. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 6) Set the **Class B Victualer Liquor License** Cap at Eight

A motion was made by Vice President Meagher with a second by Councilor M. White to approve setting the cap for Class B Victualer Liquor Licenses at Eight. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 7) Approval of Application for Renewal of **Class BT Tavern Liquor License**:
 - a) JB's On the Water, LLC, dba: JB's On the Water, 150 Conanicus Avenue

Discussion ensued.

Mary Lou Sanborn, 21 Bayview Drive. She sent a letter with concerns about JB's in a residential area. Details include increased traffic, noise, and rodent issue. Ms. Sanborn does not want the restaurant to close but would like the Town Council to consider a reduction of business hours.

Atty. Mark Liberati addressed the Town Council on behalf of his client JB's On the Water LLC, dba: JB's On the Water (JB's), and owners John and Shannon Brito. The restaurant has operated as historically permitted by a zoning decision. The restaurant is in full compliance in accordance with building and zoning requirements. JB's seeks a renewal of the previously approved license. Atty. Liberati cited RIGL 37-6, there is no evidence for rejecting the application for cause. The business provides contributions to the Town and provided employment opportunities to many college students.

Solicitor Peter Ruggiero commented that Atty. Stephen J. MacGillivray on behalf of his client Mary Lou Sanborn also provided written notice of concerns.

Vice President Meagher provided to Town Clerk correspondence received from Elliot Richmond, Rick and Betsy Eddie.

Chief Mello addressed the Town Council and made clarifying statements regarding the seating area inside, outside on the porch, and outside on the lawn/patio area.

Councilor Brine asked if there were any other complaints received.

Chief Mello stated that a complaint was made but came in after the occurrence so it could not be investigated. JB's had been approved for inside entertainment only. Entertainment is

defined as live music. A complaint about the outside speakers playing background music had been received, but no other complaints about alcohol service or entertainment.

Steven Bois, 155 Conanicus, is a neighbor of JB's and he patronizes the restaurant. He stated that the restaurant has contributed to increased traffic in the area. Mr. Bois expressed concern about the entertainment license request to expand hours.

Eric Archer, owner of one of the Bay Voyage/Wyndham resorts time-share units which is a floating unit. There has been more interest in the rental units directly related to the renovations and opening of JB's. The restaurant has contributed positively to the community and has improved the ambiance of the hotel/time share.

Councilor R. White questioned whether there were any comments/complaints specific to alcohol service on the deck.

Town Administrator Hainsworth stated that the liquor service restriction only applies to the patio/lawn area.

Mary Lou Sanborn stated that alcohol was served on the patio area after 9 p.m. and patrons were walking across the street to the grassy area with alcohol.

Atty. Liberati objected to Ms. Sanborn's comments. He stressed the importance of distinguishing the difference between service on the deck and the patio area. His clients have no problem with the current restrictions on the patio area. They are perfectly happy with the current service area permissions, which include the deck until 11 p.m.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the applications for the Renewal of Class BT Tavern Liquor License for JB's On the Water LLC, dba: JB's On the Water. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

****Vice President Meagher requested clarification on a previously approved agenda item – related to VHBC, LLC, liquor service restrictions per the Zoning decision letter.**

Solicitor Peter Ruggiero stated that the decision letter was not readily available, but the notes suggest that the Zoning Board restricted alcohol service to Friday, Saturday, and Sunday, between noon- 8 p.m.

Leslie Haigh, owner of VHBC, LLC, for the record, their company name is incorrect on the agenda. Hours of operation requested to be amended to Wednesday – Sunday 7 a.m. to 7 p.m. and liquor service permitted on Friday, Saturday, and Sunday from noon to 8 p.m.; and no liquor service permitted on the patio area below the deck.

8) Set the Class BT Tavern Liquor License Cap at One

A motion was made by Councilor R. White with a second by Vice President Meagher to approve setting the cap for Class BT Tavern Liquor Licenses at One. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 9) Approval of Application for Renewal of **Class D Full Club Liquor License**:
- a) Conanicut Yacht Club, 40 Bay View Drive

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for the Renewal of Class D Full Club Liquor License. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- 10) Set the **Class D Full Club Liquor License** Cap at One

A motion was made by Vice President Meagher with a second by Councilor M. White to approve setting the cap for Class D Full Club Liquor License at One. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn from sitting as the Alcohol Beverage Licensing Board. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

The Town Council Adjourns from Sitting as the Alcoholic Beverage Licensing Board

- B) Approval of Renewal Applications that have been received by the Town Council for **Victualing, Holiday & Entertainment License** for the year December 1, 2022-November 30, 2023, upon resolution of debts, taxes, State approval and appropriate signatures. Review, Discussion, and/or Action and/or Vote:
- 1) Conanicut Restaurant Group II, LLC, dba: Beech
 - 2) Conanicut Yacht Club
 - 3) Epic Decade LLC, dba: Curiosity & Co.
 - 4) Jamestown Locals LLC, dba: Narragansett Café
 - 5) Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf
 - 6) JB's On the Water LLC, dba: JB's On the Water
 - 7) Tallulah's Taqueria LLC, dba: Tallulah's Tacos

Discussion ensued.

JB's requested to amend their application. Entertainment between the hours of 12 noon – 8 p.m., Sunday-Saturday, which was the same as the previous year.

Chief Mello, point of clarity, each entity has asked for a change to their Entertainment hours, either expanding or reducing permitted hours for Entertainment.

Vice President Meagher reviewed the changes.

Kevin Gaudreau addressed the Town Council regarding the request of Conanicut Restaurant Group II, LLC, dba: Beech (Beech) to expand the permitted time for entertainment. Acoustic music (harp or guitar) would be a nice compliment to a special event (i.e. wedding showers) and the general dining experience. Acoustic non-amplified expansion of hours has been requested.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the Victualing, Holiday & Entertainment License Conanicut Restaurant Group II, LLC, dba: Beech with the following condition: Entertainment Thursday – Sunday 11 a.m. – 9 p.m., acoustic only permitted 4 p.m. – 9 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second Councilor M. White to approve the Victualing, Holiday & Entertainment License Conanicut Yacht Club. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for Victualing, Holiday & Entertainment Licenses for Epic Decade LLC, dba: Curiosity & Co. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for Victualing, Holiday & Entertainment Licenses for Jamestown Locals LLC, dba: Narragansett Café. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for Victualing, Holiday & Entertainment Licenses for Jamestown Marina Beverage Operations, LLC, dba: One Ferry Wharf. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

Discussion ensued. Chief Mello explained that Entertainment pertains to live music, acoustic and/or amplified, permitted inside and or outside. Any restrictions on outside speakers, or outside background music, regardless of the source, the Town Council would have to specifically attach to a license. Normally, speakers inside or outside do not require a license, but the Town Council could consider that restriction. The only limit would be the noise ordinance.

Councilor M. White reminded everyone that JB's On the Water is located one of the two major thoroughfares in the Town of Jamestown, at the corner of one of these busy streets. He stated we are talking about a couple of speakers and we need to be more realistic about it. Background music outside would be fine in his opinion.

Councilor Brine stated how many restrictions are we going to put on businesses that are trying to make a living.

Vice President Meagher stated that JB's On the Water is located in a neighborhood. She referenced the restrictions attached to One Ferry Wharf Entertainment's license.

Chief Mello stated that there are two options: 1) place a restriction attached to the entertainment license or 2) do nothing and it would be addressed as a noise ordinance violation recorded from the receiving property where a complaint has been made.

President Beye suggested that the Town Council approve JB's Entertainment license which is the same as last year. She asked the applicant to be cognizant of their neighbors and made the request to report complaints/concerns to the police immediately.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for Victualing, Holiday & Entertainment Licenses for JB's On the Water LLC, dba: JB's On the Water with the following restriction: Entertainment inside only between the hours of 12 noon – 8 p.m., Sunday-Saturday, which was the same as the previous year. No restriction on outside background music other than to comply with the noise ordinance. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for Victualing, Holiday & Entertainment Licenses for Tallulah's Taqueria LLC, dba: Tallulah's Tacos. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- C) Approval of Renewal Applications that have been received by the Town Council for **Victualing & Holiday License** for the year December 1, 2022- November 30, 2023, upon resolution of debts, taxes, State approval and appropriate signatures. Review, Discussion, and/or Action and/or Vote:
- 1) Dutch Harbor Beverage, LLC, dba: ~~Skuttlebutt~~ Scuttlebutt (correction)
 - 2) KALI, LLC, dba: J22 Tap & Table
 - 3) New England Golf Course Management Inc., dba: Jamestown Golf and Country Club aka: The Caddy Shack
 - 4) Our Table LLC dba: Our Table
 - 5) Slice of Heaven, Inc., dba: Slice of Heaven
 - 6) Tunstall LLC, dba: Grapes & Gourmet
 - 7) Varsha, Inc., dba: Jamestown Wine & Spirits
 - 8) Village Hearth Bakery, dba: Village Hearth Bakery

President Beye read each applicant's name.

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the applications for **Victualing & Holiday Licenses**. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- D) Approval of Renewal Applications that have been received by the Town Council for **Holiday License** for the year December 1, 2022- November 30, 2023, upon resolution of debts, taxes, State approval and appropriate signatures. Review, Discussion, and/or Action and/or Vote:
- 1) TPG Marinas, dba: Conanicut Marina
 - 2) Jamestown Beer Holdings, LLC, dba: Jamestown Beer Holdings

President Beye read each applicant's name.

A motion was made by Councilor R. White with a second by Vice President Meagher to approve the applications for **Holiday Licenses**. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

- E) Approval of Renewal Applications that have been received by the Town Council for **Entertainment License** for the year December 1, 2022- November 30, 2023,

upon resolution of debts, taxes, State approval and appropriate signatures. Review, Discussion, and/or Action and/or Vote:

- 1) Jamestown Beer Holdings, LLC, dba: Jamestown Beer Holdings

A motion was made by Vice President Meagher with a second by Councilor M. White to approve the application for an Entertainment License. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; Councilor R. White, Aye.

A motion was made by Vice President Meagher to move into Executive Session with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

V. JOINT EXECUTIVE SESSION TOWN COUNCIL AND JAMESTOWN HARBOR COMMISSION

The Town Council may seek to enter into Executive Session for review, discussion and/or potential action and/or vote on the following:

A) ROLL CALL TOWN COUNCIL MEMBERS

Town Council Members present were as follows: Nancy A. Beye, Mary Meagher, Michael G. White, Randy White, and Erik Brine

Also, in attendance: Town Administrator Jamie Hainsworth, Solicitor Peter Ruggiero, Police Chief Edward Mello, Finance Director Christina Collins, Building and Zoning Official Peter Medeiros, Town Planner Lisa Bryer, Harbor Clerk Joan Rich and Town Clerk Roberta Fagan.

B) ROLL CALL JAMESTOWN HARBOR COMMISSION MEMBERS

Harbor Commission Members present were as follows: Chair Wayne Banks, Vice-Chair Michael Junge, Steven Bois, Eric Lexow, and Jessica McCarthy. Dan Wurzbacher and Richard Raynes were absent.

C) CALL TO ORDER

Town Council President Beye called the Joint Executive Session of the Jamestown Town Council and Harbor Commission to order at 6:05 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue

- D) Pursuant to RIGL § 42-46-5(a)(2)&(5) East Ferry Use: Potential Lease Agreement with Conanicut Marine Services, Inc.

Harbor Commission member Eric Lexow exited the meeting at 6:52 p.m.

A motion was made by Vice-Chair Michael Junge to adjourn the Harbor Commission Executive Session with a second by Chair Wayne Banks. Vote: Chair Wayne Banks, Aye; Vice-Chair Michael Junge, Aye; Steven Bois, Aye; and Jessica McCarthy, Aye.

A motion was made by Councilor M. White to adjourn from Executive Session with a second by Councilor R. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

A motion was made by Vice President Meagher to seal the minutes from Executive Session with a second by Councilor M. White. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, Aye; and Councilor R. White, Aye.

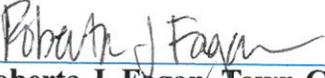
It was announced that no votes were taken.

The Town Council reconvenes the regular meeting.

VI. ADJOURNMENT

A motion was made by Vice President Meagher with a second by Councilor M. White to adjourn at 7:26 p.m. Vote: President Beye, Aye; Vice President Meagher, Aye; Councilor Brine, Aye; Councilor M. White, aye; Councilor R. White, Aye.

Attest:


Roberta J. Fagan, Town Clerk