

**TOWN COUNCIL MEETING
March 17, 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:

Christina D. Collins, Finance Director/Acting Town Administrator
Lisa Bryer, Town Planner
Michael Gray, Public Works Director
Cathy Kaiser, School Committee Chair
Edward A. Mello, Police Chief
Peter D. Ruggiero, Town Solicitor
David R. Petrarca, Jr., Assistant 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 7:32 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue and led the Pledge of Allegiance.

**III. ACKNOWLEDGEMENTS, ANNOUNCEMENTS, PRESENTATIONS
AND RESOLUTIONS**

None.

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) Licenses and Permits
 - 1) Holiday License renewal applications
 - a) Ace's Pizza, Inc., dba: Ace's Pizza
Location: 1 Clarke Street
 - b) Alfred B. Bingell, dba: House of Pizza
Location: 23 Narragansett Avenue
 - c) Conanicut Yacht Club, dba: Conanicut Yacht Club
Location: 40 Bay View Drive

- d) The Island Scoop, dba: The Island Scoop
Location: 79 North Road
- e) Jamestown Culinary Partners, LLC, dba: Jamestown Fish
Location: 14 Narragansett Avenue
- f) Jamestown Restaurant Group, LLC, dba: Narragansett Café
Location: 25 Narragansett Avenue
- g) New England Golf Course Management, Inc.
dba: Jamestown Golf & Country Club, aka Caddy Shack
Location: 245 Conanicus Avenue
- h) Ocean Essence & Therapeutic Massage, LLC
dba: Ocean Essence & Therapeutic Massage/Ocean Essence Spa;
Location: 123B Narragansett Avenue
- i) Tunstall, LLC, dba: Grapes & Gourmet
Location: 9 Ferry Wharf

A motion was made by Eugene Mihaly with second by Mary Meagher to approve the Holiday License Renewal applications. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Holiday and Peddler License renewal application
 - a) Alfred B. Bingell, dba: Freddie Bing's Hotdog Thing (cart)
Location: East Ferry (north of RIPTA bus stop on east side of Conanicus Avenue)

A motion was made by Blake Dickinson with second by Mary Meagher to approve the Holiday and Peddler License Renewal application. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 3) Trash Collector License renewal application
 - a) Republic Services, dba: Republic Services of MA
Location: 1080 Airport Road, Fall River, MA, Island-wide

A motion was made by Mary Meagher with second by Eugene Mihaly to approve the Trash Collector License Renewal 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. None
- B) Non-scheduled to address.

Kitty Weinberg of Beavertail Road, Library Board of Trustees President, and Craig Watson of Conanicus Avenue, Library Board of Trustees Vice President, are in attendance to bring everyone up to date on the Library. In 2011 a space consultant was hired and a committee formed to review the Library's design and space utilization and to develop a more efficient and appropriate use of the physical and technological space. Research revealed that our Library has plenty of space, but it is not well used and in need of a new use plan. Schematic drawings of an improved Library were created, and the main drawing displays what is needed: more small meeting rooms, tutoring space, quiet reading space, and project space; the young adult section needs to be closer to the Children's Librarian; a family bathroom need to be located closer to the Children's Room; the Children's Room has enough space, but needs to be more flexible; office space for the Director, Reference Librarian, Children's Librarian and other staff members needs to be realigned; and the out-dated Circulation Desk takes up too much space. The Museum is underutilized and dividing it into three sections is proposed – one large and two small rooms – with the Narragansett Indian artifacts placed respectfully in display cases in the large section (Wright family in agreement). Also proposed are two bump-out spaces for reading areas, two over-hangs for covered access and deliveries, and foldable doors for the large Meeting Room to facilitate more efficient, usable space.

The proposed concept was developed working with the architect over five months, and cost estimates should be available by May 15th. Fundraising campaigns and grant funding will cover the majority of the renovations. Financial expectations from the Town are for capital items, such as bathrooms that do not meet ADA standards. The Library will report back to the Council at a regular meeting in May, and invite Council members to visit the Library to review plans and submit ideas. President Trocki thanked them for the information.

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

- A) Interim Town Administrator's Report: Christina Collins.
 - 1) Collins Center report update.

Ms. Collins noted the Collins Center draft report was delivered late last week. Town staff will be meeting this week for review and comment on the report. Collins Center representatives will be in attendance at the April 7 Town Council meeting for a presentation.

- B) GZA Monitoring Report, 4th Quarter 2013.

Public Works Director Michael Gray reported the 10 wells around the perimeter of the former landfill site and the well at Lot 47 are tested every three months. The summary pages of the report reflect no exceedances of the 47 volatile organic compounds and 15 inorganic compounds were detected. Statistically this is showing decreasing trends, water

quality is improving, and the samplings meet the ph drinking water quality established by EPA's and RSL's standards.

VII. UNFINISHED BUSINESS

- A) CRMC Assent of Antonio Pinheiro, File No. 2013-04-107: Review, discussion, and possible action.

Interim Town Administrator Collins reports notification was received on Friday regarding the public hearing before CRMC on March 25 at 6:00 p.m. on the Pinheiro application. CRMC staff report recommends denial of the application. Council previously sent two letters of request for denial of this application. Discussion ensued of whether staff, Solicitor or Council appearance at the hearing is needed. Solicitor Ruggiero noted anyone can attend, these are technical meetings, and the granting or denial of such applications is not based on objections by abutters or the Town, but on the technical, scientific, and biological merits as assessed by CRMC. This has been a great concern to residents of the Shores. A statement from the Town read into the record makes sense, and Vice President Meagher will attend the public hearing. Discussion continued.

VIII. NEW BUSINESS

- A) Adoption of Asset Management Plan, FY 2015 Budget (July 1, 2014 to June 30, 2015), and Mooring Rates for the 2014 season, as approved by the Harbor Commission on February 12, 2014

Solicitor Ruggiero stated the Asset Management Plan and Budget are tied to the Harbor Ordinance and Harbor Management Plan, which are on the April 7, 2014 agenda for public hearing for amendment. He suggests these two items be continued to the April 7th agenda, and Council agreed. The 2014 Season fees were approved by Harbor on February 12th and can go forward.

A motion was made by Mary Meagher with second by Thomas Tighe to adopt the Mooring Rates for the 2014 Season as approved by the Harbor Commission on February 12, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- B) Town Council Representative to Hazard Mitigation Plan Update Committee.

Town Planner Bryer stated this is beginning the process of updating the Hazard Mitigation Plan, and FEMA suggested a Council member at the subcommittee level is a good way to get the Council involved. Meetings take place during the day and four meetings are expected by the end of the year. President Trocki will assume the duties.

- C) Traffic Committee request for Council action re: West Ferry and Helm Street.

Vice President Meagher stated the Traffic Committee is asking the Council for several items: Prohibit parking on the north side of Narragansett Avenue from Ocean Avenue westward to the West Ferry Pier, supporting parking on the south side of Narragansett Avenue. This requires State Traffic Commission approval and amendment of the Code of Ordinances. Elimination of the restriction "resident only parking" on the West Ferry Pier/bulkhead, will make parking available to all, requiring amendment of the Code of Ordinances. This is proposed as the "resident only parking" is not enforced. Public Works Director Gray displayed a proposed plan. The goal is to maximize parking spaces on the gravel lot, install concrete bumper stops to create alignment, with a loading zone at the far end, parallel parking along southern limits, and adding perpendicular parking spaces. Vehicles parking on both the north and south sides of Narragansett Avenue prevent emergency vehicle access. There is no timed parking for this area, and the Town is seeking a long-term solution. Discussion ensued of overnight parking. Councilor Tighe noted the Committee is requesting the Council send a letter to the State Traffic Commission requesting them to prohibit parking on the north side of Narragansett Avenue.

A motion was made by Eugene Mihaly with second by Thomas Tighe to contact the State Traffic Commission to propose a ban on parking on the north side of Narragansett Avenue from Ocean Avenue westward to the West Ferry Pier. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The recommendations were made after discussion with Town staff and residents of West Ferry. Mike Gray will work with the Traffic Committee so that residents' needs are considered. The present ordinance requires a resident sticker, and a Code of Ordinances amendment is required, which should include the loading zone (legal notice and public hearing process). Solicitor Ruggiero will prepare the ordinance amendments.

The Traffic Committee voted to forward Edwina Cloherty's letter to the State Traffic Commission and to request the DPW Director Gray review difficulties associated with negotiating the intersection at Hamilton and Southwest Avenues due to insufficient lighting. State Traffic addressed this on their last agenda and will look at the intersection. Lighting improvements require action by National Grid. Reflectors on the curbing were suggested. The State Traffic Commission will report back to the Town with recommendations.

The citizen request for a Police Department study at Helm Street and Bow Street was reviewed. Residents would like a 4-way stop at Helm and Bow Streets and a stop sign at Stern and Bow Streets. Chief Mello noted that per his officers, speed is not a factor. When the weather clears the department will do an accurate speed study.

The Committee was asked to review the parking on Watson Avenue. After review, the Committee did not think it was appropriate to make changes to the current parking plan.

Councilor Dickinson expressed his appreciation for the efforts of the Traffic Committee in advising the Council and making recommendations. Councilor Tighe's efforts were noted.

D) Traffic speed limits and issues.

Chief Mello stated the Police Department is looking for general guidance from the Council regarding concerns for three roads in town – East Shore Road, Tashtassuc Road, and North Road (north of Route 138) – and if further study is needed to determine appropriate speed limits and consistency. Any changes to East Shore Road and Tashtassuc Road would require a study by the State Traffic Commission, and North Road could be evaluated by the Police Department with assistance by Public Works Director Gray. East Shore Road has three speed limits: 25 mph, 30 mph and 40 mph, which is not consistent. Discussion continued. President Trocki stated she is in favor of consistent speed limits. Council consensus is to do a traffic study and forward the results to the Town Traffic Committee for review and recommendation to go before the State Traffic Commission. Neighbors could also weigh in at the local Traffic Committee level. North Road will be evaluated by the Police Department with results forwarded to the Traffic Committee. Chief Mello wants the process visible to the residents. Discussion continued.

E) Fort Getty RV sites. Interim Town Administrator Collins noted the application deadline for 2014 season campsites has passed, the waiting list has been exhausted, and there are 13 campsites unfilled. Recreation Director Piva requests permission to use the 13 vacant campsites as transient sites for a two-week minimum at the daily rate, the same as last season. Long-term transient use, for perhaps three months, would be at a prorated charge.

A motion was made by Mary Meagher with second by Eugene Mihaly to fill the transient campsites at a two-week minimum. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

F) Review of Meeting Notice Posting Procedures and OMA Compliance. Interim Town Administrator Collins stated there were a few issues in the last month or so regarding posting of meeting notices. She assures the Council, administration, and all involved that we take the issues very seriously; these were oversights. Procedures have been reviewed with the Town Clerk's Office and checks and balances have been implemented for the Town Council, and we are looking to address the entire calendar and reviewing the posting procedures for all other committees. She would like to come back to the Council at the next meeting with an update. President Trocki noted this is an important issue, her efforts are appreciated, and the Council looks forward to the report. Councilor Dickinson noted soon we should have a Town website that will facilitate the oversight of meeting notice postings.

IX. ORDINANCES AND APPOINTMENTS

A) Ordinances

- 1) 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.; discussion and possible vote to proceed to advertise in the *Jamestown Press* April 3rd, April 10th, and April 17th editions for public hearing on April 21, 2014.

Town Planner Lisa Bryer stated the ordinance was adopted in October. Several residents were interested in pursuing the option, but were not eligible. This prompted a review of the requirements in place and revealed two areas where the Ordinance could be relaxed without affecting the neighborhoods. Undersized lots are not permitted to have accessory dwelling units. It was decided if there were no increases in the bedroom count, it should be allowed by right. The second is for detached structures, and Planning determined this was a good use for detached structures. It is reasonable to be permitted by right, and the process will require vetting at the Zoning Board level if the setbacks for the primary structure cannot be met. Changes in the ordinance are marked by strike through and underline, and are not significant. Solicitor Rugeiro will get the ordinance revision in legal format prior to advertisement. President Trocki stated this is on the agenda to be ordered advertised for public hearing three times for an April 21, 2014 public hearing.

A motion was made by Mary Meagher with second by Thomas Tighe to proceed to advertise for public hearing on April 21, 2014. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

- 2) Update of the Jamestown Comprehensive Community Plan: presentation and discussion.

Town Planner Lisa Bryer reports the Planning Commission is ready to transmit the Comprehensive Plan to the Town Council for a joint public hearing. Planning wants to give Council time to read the document, and this will appear on the next agenda for a vote to proceed to advertise for public hearing. The public hearing will include a 30-minute presentation and should be scheduled on a separate night from a regular Council meeting, perhaps a Planning Commission meeting night. Discussion ensued. The vote to proceed to public hearing will be on the April 7th agenda, and the public hearing is scheduled for Wednesday, May 21st at 7:00 p.m. in the Town Hall Council Chambers.

B) Appointments/Resignations/Vacancies.

The Council needs to schedule interviews for vacancies in order to make appointments. Discussion ensued. Interviews are scheduled for April 7th beginning at 5:00 p.m. (prior to Water & Sewer meeting). April 10th is set as the date for the budget wrap-up session at 5:00 p.m., with budget adoption on the April 21st regular meeting agenda.

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 Mary Meagher with second by Eugene Mihaly to approve the Consent Agenda. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

The Consent Agenda approved consists of the following:

- A) Adoption of Council Minutes
 - 1) February 3, 2014 (special meeting)
 - 2) February 3, 2014 (regular meeting)
 - 3) February 3, 2014 (special executive session)
 - 4) February 3, 2014 (regular executive session)
 - 5) February 18, 2014 (special meeting)
 - 6) February 18, 2014 (regular meeting)
 - 7) February 18, 2014 (special executive session)
 - 8) February 21, 2014 (special meeting)
 - 9) February 21, 2014 (executive session)
 - 10) February 24, 2014 (special meeting)
 - 11) February 24, 2014 (executive session)
 - 12) February 27, 2014 (special meeting)
 - 13) February 27, 2014 (executive session)
- B) Minutes from Boards, Commissions and Committees
 - 1) Jamestown Affordable Housing Committee (12/04/2013)
 - 2) Jamestown Fire Department Incentive Committee (02/11/2014)
 - 3) Jamestown Harbor Commission (01/08/2014)
 - 4) Jamestown Tree Preservation & Protection Committee (11/19/2013)
 - 5) Jamestown Zoning Board of Review (01/28/2014)
- C) CRMC Notices
 - 1) Assent of Charles Richardson to construct and maintain a shoreline protection facility (approximately 205' long rip rap revetment) located at Plat 4 Lot 19
 - 2) Notice of Meeting of CRMC Planning & Procedures Subcommittee to consider a petition to amend Sections 920.1.B2(f) and (g) of the CRMC Salt Pond Region Special Area Management Plan (SAMP) on Tuesday, March 18, 2014, 8:30 a.m., CRMC Office Conference Room, Stedman Government Center, 4808 Tower Hill Road, Wakefield
- D) RIDEM Notices
 - 1) Office of Water Resources Project Priority List requests for State Fiscal Year 2015, due Monday, April 7, 2014
- E) Resolutions and Proclamations from other Rhode Island cities and towns

- 1) Resolution of the Town of Charlestown to Support Repeal of Master-Lever Voting, per Senate Bill 2091
- F) Abatements/Addenda of Taxes
- G) Finance Director's Report

XI. COMMUNICATIONS AND PETITIONS

Communications 1), 5), and 10) are removed.

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1) Letter of Nicole Contino re: PTO fundraiser. Interim Town Administrator Collins spoke with Ms. Contino, and as this is a school function, they will co-sponsor the event, and it will fall under the umbrella of the Town's insurance. This provision applies to 5) as well for insurance coverage for the annual Memorial Day Parade.

A motion was made by Mary Meagher with second by Eugene Mihaly to waive the Pavilion rental fee for the PTO fundraiser (June 6, 2014). President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; Councilor Dickinson, Aye.

10) Email of Kenneth Lima re: Tick Task Force. Vice President Meagher found the communication very interesting, especially his suggested survey to provide a baseline of information. As this is budget season the Tick Task Force could be allocated funding to conduct a survey. Councilor Mihaly stated this may not be useful, as the prevalence of the disease is all over the place, and what we do know, is that the disease is wide-spread on this Island and we probably wouldn't find anything more than what we already have and only create a distraction. Councilor Dickinson commented he has a similar opinion it would be a distraction. Past symposium speakers worked with statisticians and have developed a model that supports the direct correlation between the population of deer and disease and how a disease vectors through a population. We are moving to finding something that will work for Jamestown. Once the Town website is complete, this can be placed on the website to collect data without allocating funds for a survey. Lengthy discussion ensued. President Trocki thinks this is a better discussion for a Tick Task Force Symposium or meeting. From a Council perspective there is no harm in conducting a survey, and it makes sense to develop a baseline. Vice President Meagher feels the notion of a baseline is a good one and the TTF should try to convey to the community what they are trying to do and to have this data would be helpful. President Trocki stated it is important to do what is in the best interest of the community. She hopes many folks will attend the Symposium on Wednesday at 7:00 p.m. at the Library.

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

The Communications accepted consist of the following:

A) Communications

- 1) Letter of Nicole Contino re: PTO Fundraiser on June 6, 2014 and request for waiver of \$300 Fort Getty Pavilion rental fee and waiver of TULIP insurance policy requirement
- 2) Letter of Edwina S. Cloherty re: support for proposed construction of a new golf course clubhouse and opposition to any plan to incorporate a performing arts center using public funds
- 3) Letter of Edwina S. Cloherty re: traffic safety at the intersection of Hamilton and Southwest Avenues
- 4) Letter of Doriana Carella and Andrea Colognese re: formal request for a liquor license for the Village Hearth Bakery and Café
- 5) Email of American Legion Post 22 Treasurer Frank Meyer re: insurance coverage by the Town for the annual Memorial Day Parade
- 6) Letter of Climate and Energy Campaign Director Claire Douglass re: threat of seismic airgun testing proposed off Rhode Island's coast to search for offshore oil and gas
- 7) Invitation of Newport Mayor Winthrop to participate in the City's 58th Annual Saint Patrick's Day Parade and festivities on Saturday, March 15, 2014
- 8) Public Notice by Statewide Planning Program of the certification of the Metropolitan Planning Organization by the Federal Highway Administration and Federal Transit Administration with invitation to submit comments at the public hearing on Thursday, March 27, 2014 at 6:30 p.m. in Conference Room A, One Capitol Hill, Providence.
- 9) Memorandum of Tetra Tech Project Manager James Forrelli on behalf of the US Naval Facilities Engineering Command re: Proposed Remedial Action Plan for Site 17, Gould Island (part of Jamestown), with written comments due April 12, 2014
- 10) Email of Kenneth Lima re: Jamestown Tick Task Force referencing new environmentally safe tick spray and other deer tick reduction strategies
- 11) Letter of State Traffic Commission re: Jamestown Town Council request to perform a safety study at the intersection of Southwest Avenue and Hamilton Avenue and appropriate signing and/or striping improvements

XII. 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 (5) Real Estate (property acquisition); discussion and/or potential action and/or vote in executive session and/or open session
- B) 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

- C) Pursuant to RIGL §42-46-5(a) Subsection (1) Personnel (Review and possible ratification of Severance Agreement for Town Administrator); discussion and/or potential action and/or vote in executive session and/or open session

A motion was made by Mary Meagher with second by Blake Dickinson to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (5) Real Estate, Subsection (2) Collective Bargaining, and Subsection (1) Personnel.

Pursuant to RIGL §42-46-5(a) Subsection (5), Subsection (2), and Subsection (1) the following vote was taken by the Jamestown Town Council to enter into Executive Session: President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

The Jamestown Town Council reconvened the regular meeting at 10:29 p.m. President Trocki announced that no votes were taken in the Executive Session.

A motion was made by Eugene Mihaly with second by Mary Meagher to seal the Minutes of the Executive Session. President Trocki, Aye; Vice President Meagher, Aye; Councilor Tighe, Aye; Councilor Mihaly, Aye; and Councilor Dickinson, Aye.

XIII. ADJOURNMENT

A motion was made by Mary Meagher 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 10:30 p.m.

Attest:

Cheryl A. Fernstrom, CMC, Town Clerk

Copies to: Town Council (5)
Town Administrator
Finance Director
Town Solicitor