

TOWN COUNCIL MEETING
November 8, 2004

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:04 PM by Council President Kenneth G. Littman. The following members were present:

David J. Long, Vice President
Julio J. DiGiando
Claire W. Ferguson

absent: Guy J. Settipane
also present:

Thomas P. Tighe, Interim Town Administrator
J. William W. Harsch, Town Solicitor
Arlene D. Petit, Town Clerk
Lisa Bryer, Town Planner

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Council President Littman announced the results of the local ballot questions from the presidential election held on November 2, 2004.

- Question #15 Amendment to Jamestown Home Rule Charter – passed
- Question #16 Construction, Extension and Improvement of Water Works System Bonds and Notes not to Exceed \$6,200,000 – passed
- Question #17 Construction of a Public Works Highway Facility Bonds and Notes not to Exceed \$2,400,000 - failed

IV. COUNCIL SITTING AS ALCOHOLIC LICENSING BOARD

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.

- 1) State of RI Division of Taxation: Granting of Good Standing

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the listing of cleared liquor licenses from the State of Rhode Island Division of Taxation. So unanimously voted.

- 2) Liquor License Advertisements

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the liquor license advertisements. So unanimously voted.

- 3) Objection letters:
 - a) Fountain Dispensers Co., Inc. re: Portuguese American Citizens Club

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Fountain Dispensers Co., Inc. So unanimously voted.

The Town Clerk introduced a letter from Fountain Dispensers Co., Inc. dated November 5, 2004, releasing their objection to the renewal of liquor license for the Portuguese American Citizen's Club.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter dated November 5, 2004 from Fountain Dispensers Co., Inc. So unanimously voted.

- 4) Renewal of Liquor Licenses, if favorable GRANT renewal applications duly advertised in the Newport Daily News, upon the resolution of debts, taxes, State approval and appropriate signatures:

RENEWAL:

CLASS A (PACKAGE STORE) - RETAIL

Jean Page, Inc.
dba: Page's Liquors
30 Southwest Avenue

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the renewal of the Class A Retail license to Jean Page, Inc., dba: Page's Liquors. So unanimously voted.

Grapes & Gourmet, Inc.
dba: Grapes & Gourmet
9 Ferry Wharf

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class A Retail license to Grapes & Gourmet, Inc., dba: Grapes & Gourmet. So unanimously voted.

CLASS B – TAVERN

Long Wharf Marina Restaurant, Inc.
dba: The Bay Voyage
150 Conanicus Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Tavern license to Long Wharf Marina Restaurant, Inc, dba: The Bay Voyage. So unanimously voted.

CLASS B – VICTUALER

Alexander Enterprises, Inc.
dba: Narragansett Café
25 Narragansett Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Victualer license Alexander Enterprises, Inc., dba: Narragansett Café. So unanimously voted.

Islandish, Ltd.
dba: Chopmist Charlies
40 Narragansett Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Victualer license to Island Dish, Ltd., dba: Chopmist Charlies. So unanimously voted.

Jamestown Oyster Bar, Inc.
dba: Jamestown Oyster Bar
22 Narragansett Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Victualer license to Jamestown Oyster Bar, Inc., dba: Jamestown Oyster Bar. So unanimously voted.

New England Golf Course Management, Inc.
dba: Jamestown Golf and Country Club
aka: the Caddy Shack
245 Conanicus Avenue (lower level rear)

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the renewal of the Class B Victualer license to New England Golf Course Management, Inc., dba: Jamestown Golf and Country Club, aka: The Caddy Shack. So unanimously voted.

SeaDish, Ltd.
dba: Tricia's Tropi-Grille
14 Narragansett Avenue

The Town Clerk informed the Council that the license for Tricia's Tropi-Grille has a seating capacity limited by the Fire Marshall to a maximum of 170 seats inside and outside. Additionally, it was noted that on August 13, 2002, the Jamestown Town Council requested to place the aforementioned limit on the liquor license. On February 4, 2003, the Zoning Board of Review limited the number of seats to a maximum total of 134 seats, which include 58 seats outside and granted a Dimensional Variance and a Special Use Permit, citing the limited seating in their decision. Therefore, considering the above, it is not necessary for the additional language to be listed on the Liquor License.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the renewal of the Class B Victualer license, omitting the language referring to the seating capacity indicated by the Fire Marshall, to SeaDish, Ltd., dba: Tricia's Tropi-Grille. So unanimously voted.

Trattoria Simpatico, Inc.
dba: Trattoria Simpatico
13 Narragansett Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Victualer license to Trattoria Simpatico, Inc., dba: Trattoria Simpatico and to include the amended site plan together with the original site plan. So unanimously voted.

Slice of Heaven, Inc
dba: Slice of Heaven
32 Narragansett Avenue

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the renewal of the Class B Victualer license to Slice of Heaven, Inc., dba: Slice of Heaven and to approve the amended site plan as presented. So unanimously voted.

Portuguese American Citizen's Club
dba: Portuguese American Citizen's Club
11 Pemberton Avenue

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the renewal of the Class B Victualer license to Portuguese American Citizen's Club, dba: Portuguese American Citizen's Club. So unanimously voted.

CLASS D FULL (CLUB)

Conanicut Yacht Club
40 Bay View Drive

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to grant the Class D Full (Club) license to the Conanicut Yacht Club. So unanimously voted.

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.

It was requested that items #1(g) (*1(g) was removed in error and corrected to be 1(a)*) and 3(b) be removed from the Consent Agenda. It was moved by Councilor Ferguson, seconded by Councilor DiGiando to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a)
 - b) September 28, 2004 work session
 - c) October 14, 2004 special meeting
 - d) October 16, 2004 special meeting
 - e) October 20, 2004 special meeting
 - f) October 20, 2004 work session

- g)
- h) October 28, 2004 special meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Affordable Housing Committee (10/20/2004)
 - b)
 - c) Harbor Management Commission (09/08/2004)
 - d) Tree Preservation and Protection Committee (09/21/2004)
 - e) Water Resource Protection Committee (09/28/2004)
- 4) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) Town of Richmond resolution in support of the \$70 million Open Space and Recreation Bond
- 5) Abutter Notification from the Zoning Board of Review re: Notice of Public Hearing for the application of Ralph & Susan Aresti, 16 Wildflower Lane (Plat 2, Lot 10) for a variance from Article 3, Table 3-2 to build a 2 car attached garage with rear 30' from rear lot line instead of required 40'. Said property is located in a RR80 zone and contains 20,000 sq. ft.
- 6) Coastal Resources Management Council November 2004 Calendar
- 7) RI Department of Administration Statewide Planning Program re: Transportation Improvement Program (TIP) for FY 2006-2007
- 8) RI Board of Elections re: Contingency Plan for November 2, 2004 Election (received November 1, 2004)
- 9) Aquidneck Island Planning Commission re: Postponement of training series kick-off session
- 10) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) September 27, 2004 work session

It was noted that on page 1 of the September 27, 2004 work session minutes should be amended to show a debt margin of \$22,000,000. It was moved by Council President Littman, seconded by Councilor Ferguson to adopt the September 27, 2004 minutes as amended. So unanimously voted.

- g) October 27, 2004 special meeting

1(g) was removed in error – it was moved by Councilor DiGiando, seconded by Councilor Ferguson to adopt 1(g). So unanimously voted.

- 3) Minutes from Boards, Commissions and Committees:
 - b) Harbor Management Commission – Facilities (10/20/2004)

Councilor DiGiando noted that the minutes from the Facilities Committee are draft and requested that adoption be held off until the approved minutes have been submitted to the Council. It was moved by Councilor DiGiando, seconded by Councilor Ferguson to table

the approval of the Harbor Management Commission Facilities Committee to the next Council meeting. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Littman announced that there would be an executive session held at the end of the meeting, pursuant to RIGL 42-46-5 (a) (1) Personnel.

- 1) Pursuant to RIGL 42-46-5 (a) (1) Personnel

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

- 1) Town Administrator Report (verbal)

The Town Administrator noted that he would address individual items as they appear on the agenda.

- 2) Department Director Reports

It was moved by Councilor Littman, seconded by Councilor DiGiando to accept the reports from the Department Directors. So unanimously voted.

- 3) Planning Commission re: request to schedule work session with Council to discuss the High Groundwater Table Ordinance

It was the consensus of the Council to hold a work session on December 15, 2004 at the Jamestown Philomenian Library with the Planning Commission to review and discuss the High Ground Water Table Ordinance.

PUBLIC HEARING

Council President Littman opened the public hearing on the Housing Element Amendment to the 2002 Comprehensive Community Plan entitled "Town of Jamestown Affordable Housing Plan".

- 1) Proposed Housing Element Amendment of the 2002 Comprehensive Community Plan entitled Town of Jamestown Affordable Housing Plan (duly advertised in the Jamestown Press on October 21, 2004)
 - a) Memorandum from Affordable Housing Committee endorsing Affordable Housing Plan as written

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the memorandum from the Affordable Housing Committee endorsing the Affordable Housing Plan as written. So unanimously voted.

The Town Planner stated that the Affordable Housing Committee worked with Barbara Sokoloff and Associates, Church Community Housing Corporation and herself in preparing the Affordable Housing Plan (the plan). Ms. Bryer noted that the plan was funded through a grant from the Rhode Island Foundation and was approved by the Planning Commission on October 6, 2004. Barbara Sokoloff was introduced for the presentation of the plan to the Council.

Ms. Sokoloff explained that the Affordable Housing Plan was written in response to the State mandate that each community has 10% of its housing designated as affordable to low-moderate income residents. The plan details the need for affordable housing in Jamestown, the obstacles to developing affordable housing, the number of units needed to reach the 10% goal and the strategies that will be used to achieve that goal.

In review of the plan, Ms. Sokoloff discussed the following:

- Jamestown housing inventory and needs
- Analysis of housing needs
- Barriers to affordable housing development
- Affordable housing assets and resources
- Development plan
 - Schedule
 - Goals
 - Strategies
- Action table (includes strategies, responsible party, cost, source and time frame)

Ms. Sokoloff noted that regardless of how the need is determined, Jamestown has identified a lack of availability of housing that is priced at a level local families and workers can afford. The number of households in need of affordable housing in Jamestown is far greater than the 10% goal set by the State. Ms. Sokoloff noted that affordable housing is especially needed by Jamestown's elderly, Town employees and volunteer emergency personnel. Because of Jamestown's unique characteristics, there is a limited amount of land available on the island for affordable housing. To overcome Jamestown's limitations, Ms. Sokoloff suggested flexible land use policies, public education and creativity.

The following items were noted in discussing Jamestown's affordable housing assets and resources:

- Accessory dwelling units
- Jamestown Affordable Housing Committee
- Jamestown Housing Authority
- Church Community Housing Corporation
- Other Non-Profit Housing Developers
- Town Programs
- Cluster Land Development Projects
- Comprehensive Permitting *

* Comprehensive Permitting is a valuable tool, which provides flexibility. It allows the Town to change the use of a property or the

density without changing the zone. The Town can offer incentives, such as relief from parking or set back requirements in exchange for affordable housing. Even if a developer is not seeking relief, comprehensive permitting offers an expedited review process that can save a developer time and money in reduced holding costs, interest and taxes. This cost saving can be passed down to the home sales price.

In reviewing the tables included in the plan, Ms. Sokoloff noted that there are some updated figures that will be added.

Council President Littman invited comments from the public:

Richard Allphin, Clarke Street inquired if, as mentioned in the plan, there are only 25 accessory apartments in Jamestown.

Ms. Sokoloff stated that an apartment or accessory dwelling could only be considered affordable housing if the Affordable Housing Guidelines are followed and if it is rented to individuals who are not spending more than 30% of their income on the rent. The number 25 is a percentage of what currently exists.

Carol Buglio, member of the Affordable Housing Committee, stated that one of the goals is to find housing for the Town workforce and emergency personnel.

Daniel Lilly, Seaside Drive, suggested using the existing State real estate transfer tax to assist with the cost of affordable housing.

Joseph Perry, Bayview Drive, asked if someone owned a house for 50 years and they are in the low income bracket, how is that house identified.

Nick Robertson, Carr Lane, inquired if there is a way to assure that an individual can stay in a house when their income has dropped; but the house value and taxes have increased.

Ms. Sokoloff stated that one way to ensure that a person could remain in their home is for them to consider a reverse mortgage.

Bridgett Ryan, Church Community Housing stated that there are a number of options available. It is important to keep all options available to low income homeowners.

Andrew Teitz, Attorney and Co-Council representing a group of citizens in the North end, stated that overall the document is very well written and should be approved by the Town Council; however, Mr. Teitz suggested removing the offsite location of Lot 47, Prospect Avenue from the plan. His clients felt that the plan should not endorse sites outside the village because of environmental constraints that are mentioned in the document.

Dennis Webster, Mt. Hope Avenue, stated that permanent affordable housing is needed. Mr. Webster referred to Action Item 2.2: Mandate Inclusionary Zoning in all new rental,

condominium and subdivision developments, and suggested that this be required permanently rather than for the thirty year requirement. Additionally, Mr. Webster requested that the Council not consider selling Battery Lane property to fund affordable housing. Mr. Webster suggested dedicating income legislated by the General Assembly to be retained by the municipalities from the meals tax and income from the hotel tax, as affordable housing funds.

Raymond Iannetta, North Main Road, asked the Council to remember that open space purchases by the Town reduces the number of land available for affordable housing.

William Murphy, Hamilton Avenue, suggested that the funding source for affordable housing should come directly from the budget rather than a particular stream source.

Frank Meyer, Southwest Avenue, spoke out against instituting an additional real estate transfer tax and stated that children should not expect to live near their parents if the housing is too expensive.

Richard Allphin, Clarke Street, suggested that the Council not strike any options and/or properties from consideration at this time.

Norma Willis, North Main Road, asked the Council to consider Lot 71 next to the Eldred Avenue soccer field. The Planner stated that we do not own that parcel yet. It is owned by DOT.

Raymond Iannetta, asked why Taylor Point was not listed as a consideration. The Planner stated that it was the chosen spot for a highway garage and the Town Council committed to preserving the lower half of the Taylor Point site.

Andrew Teitz, stated that if a parcel is identified in this plan it means that the Town cannot oppose it. Additionally, Mr. Teitz stated that if there is one site named, then all sites should be identified. The only out of village site identified is Lot 47. The goal could remain the same, but no individual lots identified.

The Town Planner explained that the parcels under consideration are Town owned properties.

Ms. Sokoloff noted that there are other lots identified, one in particular is the lot off North Main Road adjacent to the existing water treatment plant.

Council President Littman noted that the lot adjacent to the water treatment plant is scheduled to be used for improvements at the facility.

Ms. Bryer explained that the parcel in question is a seven-acre parcel with the possibility of a portion being used for one unit of government affordable housing. The feasibility of that will be determined in the future because of the large amount of wetlands on site.

Councilor DiGiando stated that on Table 2: Housing Stock, the vacant units and occupied units does not equal the total housing units for Jamestown.

Ms. Sokoloff stated that the seasonal units of 341 are subtracted from the number of housing units available. Ms. Sokoloff indicated that this would be corrected by adding an asterisk with that note.

Table 8: Jamestown, Newport County, and Rhode Island CHAS DATA; Councilor DiGiando noted that the data from Jamestown was put under Rhode Island as well and should be corrected.

Page 18 talks about building homes closer together, Councilor DiGiando suggested that care be taken when considering putting houses closer together as this will make character changes that will last forever.

Ms. Sokoloff noted that there is a calculation error in the Affordable Housing Development Schedule on page 20. The new chart was handed out and will be replaced with corrections made.

It was the consensus of the Council to continue the public hearing on the Affordable Housing Plan to November 22, 2004 at 7:00 PM at the Jamestown Philomenian Library.

Council President Littman called for a five-minute break at 9:15 PM.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letters from Nancy Mason
 - a) Creek Road Overpass – dangerous situation

It was moved by Council President Littman, seconded by Councilor DiGiando to accept the letter from Nancy Mason regarding the Creek Road overpass flooding and to refer the letter to Chief Tighe to discuss with the State Traffic Commission. So unanimously voted.

- b) Town Highway Facility

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Nancy Mason regarding the Town Highway Facility. So unanimously voted.

- 2) Letter from David J. Leonard re: deer hunting at Beavertail Park

The Town Administrator reported that he was informed that the State would be in contact with the Department of Interior regarding a stay of at least 45 days as requested by the Jamestown Town Council.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from David J. Leonard. So unanimously voted.

- 3) Letter of request from a group of individuals (Carol Nelson-Lee, Robert Sutton, Craig Amerigian, Richard Hutchinson and Gerry Barrette) formed “specifically for the purpose of getting a public works facility designed and constructed on the Town owned Plat 2 Lot 47, immediately adjacent to the closed landfill site”

Council President Littman noted that the information requested is public information and is available at the Jamestown Town Hall.

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to accept the communication. So unanimously voted.

- 4) Letter from Dennis Webster re: Highway facility

It was moved by Councilor Ferguson, seconded by Councilor DiGiando to accept the communication from Dennis Webster. So unanimously voted.

Andrew Teitz noted that he was concerned with individuals gathering proper information and suggested that a public hearing be scheduled so that all individuals would be receiving the same information.

Council President Littman noted that Council agendas are duly posted for the public.

LICENSES & 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.

- 1) Renewal of Victualing Licenses with extended hours, if favorable
GRANT renewal applications duly advertised in the Newport Daily News, upon the resolution of debts, taxes, and appropriate signatures:

RENEWALS:

Kenyon Oil Company, Inc.
dba: Jamestown Xtra Mart
35 Narragansett Avenue
Plat 9 Lot 246

It was moved by Councilor Ferguson seconded by Councilor DiGiando to grant the Victualing License renewal with extended hours to Kenyon Oil Company, Inc. So unanimously voted.

Cumberland Farms, Inc.
dba: Cumberland Farms Store #1108
41 North Main Road
Plat 8 Lot 626

Doriana Carrella, Watson Avenue, stated that she was opposed to Cumberland Farms being open until 12:00 midnight.

John Wilbur, Supervisor, informed the Council that the hours of operation being requested are from 5:00 a.m. to 11:00 p.m.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License renewal with extended hours as requested from 5:00 a.m. to 11:00 p.m. So unanimously voted.

APPLICATION OF KENYON OIL COMPANY, Inc. dba: **Jamestown Xtra Mart**, for renewal of additional operational hours between 2:00 a.m. and 6:00 a.m. for the said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open 24 hours per day.

APPLICATION OF CUMBERLAND FARMS, INC., dba: **Cumberland Farms Store #1108**, for renewal of additional operational hours between 5:00 a.m. and 6:00 a.m. for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open from 5:00 a.m. to 2:00 a.m. daily (RIGL 5-24-1 allows this establishment to be open until 2:00 a.m.).

- 2) Multi-License Renewal Applications and letters including Victualing License (*all liquor license establishments*)
 - a) Bay Voyage Restaurant
 - i) Entertainment Fee (full year)
 - ii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Bay Voyage Restaurant. So unanimously voted.

- b) Chopmist Charlies
 - j) Entertainment Fee (full year)
 - ii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Chopmist Charlies. So unanimously voted.

- c) Conanicut Yacht Club
 - i) Entertainment (full year)
 - ii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Conanicut Yacht Club. So unanimously voted.

- d) Narragansett Café
 - i) Entertainment (full year)

- ii) Jukebox (1)
- iii) Pool Table (1)
- iv) Pinball/Video machine (2)
- v) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Narragansett Café. So unanimously voted.

- e) Portuguese American Citizen's Club
 - i) Entertainment (full year)
 - ii) Jukebox (1)
 - iii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Portuguese American Citizen's Club. So unanimously voted.

- f) Trattoria Simpatico
 - i) Entertainment (full year)
 - ii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Trattoria Simpatico. So unanimously voted.

- g) Tricia's Tropi-Grille
 - i) Entertainment (full year)
 - ii) Victualing License

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Multi-License Renewal for the Tricia's Tropi-Grille. So unanimously voted.

- 3) Victualing License Renewal Applications (*all liquor license establishments*):
 - a) Grapes & Gourmet

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License Renewal for Grapes & Gourmet. So unanimously voted.

- b) Jamestown Golf & Country Club aka: Caddy Shack

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License Renewal for Jamestown Golf & Country Club aka: Caddy Shack. So unanimously voted.

- c) Jamestown Oyster Bar

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License Renewal for Jamestown Oyster Bar. So unanimously voted.

d) Page's Liquors

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License Renewal for Page's Liquors. So unanimously voted.

e) Slice of Heaven

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the Victualing License Renewal for Slice of Heaven. So unanimously voted.

4) Transfer of Victualing License

- a) Transfer of Victualing license from Kenyon Oil Co., to Drake Petroleum Co., Inc. dba: Jamestown Xtra Mart located at 35 Narragansett Avenue, with extended hours.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to grant the transfer of Victualing License from Kenyon Oil Company to Drake Petroleum Company, Inc., dba: Jamestown Xtra Mart, with extended hours. So unanimously voted.

OPEN FORUM

1) Scheduled request to address

- a) Representative Bruce Long re: legislative update

Representative Long was not present; however, the Town Clerk distributed two letters to the Council from Representative Long.

2) Non-scheduled request to address

Raymond Iannetta, North Main Road, passed out a letter from David B. VanSlyke on behalf of North End Concerned Citizens. In referring to a letter from five individuals interested in building a public works facility on lot 47, Mr. Iannetta stated that building on lot 47 would change the hydrology of the area and would affect the water quality of surrounding homes. Mr. Iannetta requested that any information that is given to the five individuals must also go to the attorneys at Preti Flaherty.

Mary Webster, Mt. Hope Avenue suggested moving forward as quickly as possible to put the location for the highway facility on the agenda and if a work shop is held to be sure that only three minutes is given to each individual.

APPOINTMENTS AND RESIGNATIONS

None.

UNFINISHED BUSINESS

- 1) Victualing license application for BADA Bing, Inc. dba: Cove Grill (cont. from 10/25/2004); applicant duly notified

The Town Clerk handed out a letter from BADA Bing, Inc. dba:Cove Grill owner Fred Bingell relinquishing his license because of non-use.

It was moved by Council President Littman, seconded by Councilor Ferguson to accept the letter from Mr. Bingell. So unanimously voted.

- 2) Zoning Certificate Fee (cont. from 09/27/2004)
 - a) Report from the Building Official

It was the consensus of the Council to continue this report to another Council meeting when it is received from the Building Official.

- 3) Vollmer Associates contract amendment (cont. from 10/12/2004)
 - a) Town Solicitor opinion

The Town Solicitor reported that the work detailed in the amended contract was not covered in the original contract.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to authorize the Town Administrator to sign the contract amendment with Vollmer Associates on behalf of the Jamestown Town Council. So unanimously voted.

- 4) Rhode Island Transit Authority Bus Route #64 (Newport/RI)
 - a) Discussion regarding letter to Governor Carcieri

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to send a letter to the RIPTA Board, with a copy to the Governor, thanking them, on behalf of the citizens of Jamestown, for their efforts in maintaining routes traveled by Jamestown residents. So unanimously voted.

NEW BUSINESS

- 1) Adoption of Rules & Regulations for the Jamestown Police Department; if favorable approve per Town Charter

It was the consensus of the Council to continue the adoption of the Rules & Regulations for the Jamestown Police Department to the November 22, 2004 meeting for comments from the Town Solicitor.

- 2) Award bid for a dump truck to the lowest bidder, Anderson Motors in an amount not to exceed \$63,632.00

The Town Administrator reported that there was approximately \$63,000.00 budgeted for the purchase of a dump truck.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to award the bid for a dump truck to Anderson Motors in an amount not to exceed \$63,632.00. So unanimously voted.

- 3) Letter from the RIDOT, Engineering Division re: demolition of the old Jamestown Bridge

The Town Administrator reported that he spoke with Mr. Healey of RIDOT and was told that the hours for explosive demolition requiring the closure of the Jamestown Verrazano Bridge would be limited to the hours of 10:00 AM to 2:00 PM, Tuesdays through Thursdays only. The Town Administrator reported has not heard from the Department of Health regarding the installation of the pipeline.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from RIDOT. So unanimously voted.

- 4) Letter from the Friends of Conanicut Battery re: porto-jons and water supply for an event on June 18, 2005 "Captain Tew's Company"

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the request from the Friends of Conanicut Battery to host a reenactment of a Revolutionary military camp at the Battery on June 18, 2005, subject to the approval of the Fire Marshall. So unanimously voted.

EXECUTIVE SESSION

It was moved by Council President Littman, seconded by Councilor DiGiando to enter in executive session at 10:15 PM, pursuant to RIGL 42-46-5 (a) (1) personnel. It was voted Councilor Ferguson, aye; Councilor DiGiando, aye; Councilor Long, aye; Council President Littman, aye.

Upon returning from executive session, it was moved by Councilor DiGiando, seconded by Council President Littman to seal the executive session minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Council President Littman, aye.

It was moved by Council President Littman, seconded by Councilor Ferguson to ratify Chief Tighe's contract in accordance with the terms as discussed in executive session.

It was moved by Council President Littman, seconded by Councilor Ferguson to instruct the Town Solicitor to continue gathering information for the Council as discussed in executive session. So unanimously voted.

It was the consensus of the Council to hold an executive session regarding Personnel at the Board of Water and Sewer Commission meeting on November 15, 2004. So unanimously voted.

It was moved by Councilor Long, seconded by Councilor Ferguson to adjourn the meeting at 10:53 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

c: Town Council Members (5)
Town Administrator
Town Solicitor
Administrative Circulation