



**NARRAGANSETT TOWN COUNCIL
REGULAR MEETING
AGENDA
JUNE 1, 2020
7:30 PM**

Narragansett Town Hall
25 Fifth Avenue
Narragansett, RI 02882
(401) 789-1044
www.narragansettri.gov

The Narragansett Town Council will conduct this meeting remotely.
No in-person attendance will be allowed.

Please click the link below to join the webinar:
<https://zoom.us/j/97827776431?pwd=OEJYaEdFekxQeERrQVN1US9ndFp6UT09>
Password: 089290

**NARRAGANSETT
TOWN COUNCIL**

Or iPhone one-tap :
US: +16465588656,,97827776431#,,1#,089290# or +13017158592,,97827776431#,,1#,089290#
Or Telephone Dial:
+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or
833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or 888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

President
Matthew M. Mannix

Webinar ID: 978 2777 6431
Password: 089290

President Pro Tem
Jill A. Lawler

Public Comment

Any member of the public wishing to speak on any public hearing matter is strongly encouraged to submit their name and address to the Town Clerk via email (tdonovan@narragansettri.gov) by 6:00 PM on the day of the public hearing, so they may be called upon in an orderly fashion during the hearing. Please indicate which public hearing matter you wish to address.

Members
Richard M. Lema
Patrick W. Murray
Jesse Pugh

Posted 05-28-2020

Town Manager
James R. Tierney

CALL TO ORDER:

Town Clerk
Theresa C. Donovan, CMC

PLEDGE OF ALLEGIANCE:

Town Solicitor
Mark A. Davis, Esq.

APPROVAL OF MINUTES:

ANNOUNCEMENTS/PRESENTATIONS:

PUBLIC HEARING/DECISION – 8:00 PM:

A [MOTION](#) TO OPEN AND HOLD a public hearing on an application for the transfer of a Class B-Victualler Alcoholic Beverage License from BamKelPeg 1112 LLC, dba Buster Krab's Beach Bar and Burger Shack to One Eye Jack's LLC, dba Buster Krab's Beach Bar and Burger Shack at Assessor's Plat I-G, Lot 95, 265 Great Island Road, Narragansett, RI. **Postponed to June 1, 2020 on March 30, 2020**

A [MOTION](#) TO OPEN AND HOLD a public hearing on an application for the transfer of a Class B-Victualler Alcoholic Beverage License from Proof Properties LLC, dba Proof to Ralph Jagschitz, dba Gansett Public House at Assessor's Plat P, Lot 289-5, 140 Point Judith Road, Suite A-5, Narragansett, RI. **Postponed to June 1, 2020 on March 30, 2020 WITHDRAWN**

A [MOTION](#) TO OPEN AND HOLD a public hearing on the application of Roy and Mary Jennings, dba J Cove for a new Class B-Victualler-Limited Alcoholic Beverage License at Assessor's Plat K, Lot 198, 1 Angell Road, Narragansett, RI. **Postponed to June 1, 2020 on March 30, 2020**

A [MOTION](#) TO SCHEDULE a public hearing on the application of Captain's Deck LLC, dba Captain's Deck for a new Class B-Victualler Alcoholic Beverage License at Assessor's Plat I-G, Lot 243-S, 33 State Street, Narragansett, RI.

A [MOTION](#) TO CONTINUE a public hearing on the proposed budget for the 2020-2021 Fiscal Year.

CONSENT AGENDA:

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Town Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

1. A [MOTION](#) TO APPROVE the real estate abatement in the amount of \$3,772.59.
2. A [MOTION](#) TO APPROVE the cost of fingerprints processed through the Department of Attorney General (State of Rhode Island), in the amount of \$35.00 each for 2020/2021.
3. A [MOTION](#) TO APPROVE a one-year service contract for the Police Department's digital logging recording system with Business Electronics, in the amount of \$1,890.00 and authorizes the Town Manager to sign the contract after review by the Town Solicitor.
4. A [MOTION](#) TO APPROVE the GIS Online Hosting Subscription from Applied Geographics, Inc. in the amount of \$3,000.00 for Fiscal Year 2020/21.
5. A [MOTION](#) TO APPROVE the door replacement at the South Pavilion lifeguard room of the Town Beach to be completed by Abcore Restoration Company, Inc. in the amount of \$3,875.00.

OLD BUSINESS:

NEW BUSINESS:

TOWN MANAGER

6. A [MOTION](#) TO ADOPT a Resolution approving the Capital Improvement Plan.
7. A [MOTION](#) TO INTRODUCE, READ AND ACCEPT as a First Reading the Appropriation Ordinance for the 2020-2021 Fiscal Year.

ENGINEERING DEPARTMENT

8. A [MOTION](#) TO APPROVE a one (1) year extension of the annual preventative maintenance agreement for Instrumentation, Control Programming & SCADA Equipment/System from Electrical Installations, Inc., in the amount of \$10,800.00 (Water - \$3,600, Wastewater - \$7,200) and at their quoted hourly rates.
9. A [MOTION](#) TO APPROVE, RATIFY AND CONFIRM that the local portion of fees for building permits required to construct proposed improvements to the treatment systems, buildings, and facilities at the Regional Wastewater Treatment Facility may be waived.

PARKS AND RECREATION DEPARTMENT

10. A [MOTION](#) TO APPROVE the bid for West and South Beach Cabana Renovation project to the lowest bidder, Martone Service Company, Inc., in the amount of \$1,013,217.00.

TOWN CLERK

11. A [MOTION](#) TO APPROVE a Victualling License application for Olivia Wilcox, dba Faits Maison, at 1004 Boston Neck Road, Suite 1, Narragansett, RI, subject to local and state regulations.

TOWN COUNCIL

12. A [MOTION](#) TO APPROVE the use of the Kinney Bungalow, without fee, by the Narragansett Chamber of Commerce in partnership with Mike Brice Studio to conduct a Virtual Art Show June 19-21, 2020.

OPEN FORUM/PUBLIC COMMENT:

Please conduct yourself in an orderly and respectful fashion. The comments of citizens accessing this portion of our meeting are neither adopted nor endorsed by this body, but are heard as requested.

EXECUTIVE SESSION:

A MOTION to RETIRE to Executive Session of the Town Council in accordance with RI General Laws §42-46-4 and §42-46-5(a):

- Litigation: In accordance with RIGL 42-46-5(a)(2)
 - Buonanno v. Mannix, et. al.; WC-2019-0137
 - Love Your Library, et. al. v. Mannix, et. al.; WC-2019-0495
 - GP Pier Retail, LLC v. Narragansett, et. al.; WC-2019-0499
- Acquisition, Lease or Disposition of Real Property: In accordance with RIGL 42-46-5(a)(5)
 - 29 Pier Market Place

ADJOURNMENT:

This meeting is being called in accordance with Governor Gina M. Raimondo's Executive Order 20-05 dated March 16, 2020 and titled "Third Supplemental Emergency Declaration – Public Meetings and Public Records Requests", Executive Order 20-25 dated April 15, 2020 and titled "Twenty-second Supplemental Emergency Declaration – Public Meetings and Public Records Requests", and Executive Order 20-31 dated May 15, 2020 and entitled "Thirty-first Supplemental Emergency Declaration – Public Meetings and Public Records Request".

Note: Documentation (if any) for items listed on this Agenda is available for public inspection, a minimum of 24 hours prior to the meeting, at any time during regular business hours at Town Clerk's Office, 25 Fifth Avenue, Narragansett, RI 02882. Interpreters for the hearing impaired can be made available at any meeting provided a request is received a minimum of three (3) business days prior to said meeting.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: _____

Amend No. _____

Date Prepared: May 22, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Theresa C. Donovan, CMC, Town Clerk
SUBJECT: Public Hearing on a Transfer of a Class BV Alcoholic Beverage License at 265 Great Island Road, Narragansett, RI

RECOMMENDATION:

That the Town Council holds a public hearing on an application for the transfer of a Class B-Victualler Alcoholic Beverage License from BamKelPeg 1112 LLC, dba Buster Krab's Beach Bar and Burger Shack to One Eye Jack's LLC, dba Buster Krab's Beach Bar and Burger Shack at Assessor's Plat I-G, Lot 95, 265 Great Island Road, Narragansett, RI.

SUMMARY:

BamKelPeg 1112 LLC and One Eye Jack's LLC have filed an application for a transfer of a Class B-Victualing liquor license at 265 Great Island Road, Assessor's Plat I-G, Lot 95. The public hearing on this transfer application was originally scheduled and advertised for April 6. Due to the COVID-19 emergency, the Town Council met on March 30 and announced the postponement of the hearing until June 1, 2020 at 8:00 PM.

The conditions in place for Buster Krab's Beach Bar and Burger Shack were as follows:

- a) A maximum of ten bar seats or bar stools only.
- b) Outside service on the deck/patio area is allowed.
- c) No new parties seated outside after 10:30 PM
- d) Low acoustic 1-2 pieces, background music with low amplification
Sunday through Thursdays until 10:00 PM, and Friday and Saturdays until 11:00 PM.

No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. In cases of dispute as to the amount of indebtedness, the transfer may be permitted upon statement of the licensee, under oath, that the claim of indebtedness is disputed and that the statement of dispute is not interposed for the

purpose of inducing transfer of the license. (Rhode Island General Laws Section 3-5-19)

Creditors cannot object to a transfer resulting from a proceeding in bankruptcy, receivership, probate or other judicial process.

No transfer to another person or entity shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.

No transfer to another person or entity shall be permitted if there is a delinquency in payment of municipal taxes or user fees.

The Town Council has general discretionary authority to deny relocation or transfer of a license based upon the same criteria which it has established for issuance of an original license.

Criteria for Transfer Application:

Qualification of transferee to hold and operate the license;

Compliance with all Town Ordinances;

Such other public health and safety factors as each individual application may present;

Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. of the Town's Rules and Regulations shall also be applicable.

ATTACHMENTS:

1. Initial and supplementary advertisements
2. Transfer Application
3. RI Division of Taxation Certificate of Good Standing
4. Class B-V License Application
5. RI Office of Attorney General BCI Report
6. Site Map
7. Rules

**TOWN OF
NARRAGANSETT
PUBLIC HEARING
ALCOHOLIC
BEVERAGE LICENSE**

NOTICE is hereby given by the Town Council of the Town of Narragansett, it being the Licensing Board of said Town, that the following named petitioners have applied for the Transfer of License of a Class BV Alcoholic Beverage License under the provisions of Title 3 of the General Laws of Rhode Island, 1956, and amendments thereto, for their respective place of business hereinafter set forth, viz:

**FROM: BamKelPeg 1112
LLC
d/b/a/ Buster Krab's Beach
Bar and Burger Shack
265 Great Island Road
Plat I-G, Lot 95
Narragansett RI**

**TO: One Eye Jack's LLC
d/b/a/ Buster Krab's
Beach Bar and Burger Shack
265 Great Island Road
Plat I-G, Lot 95
Narragansett RI**

Remonstrants are entitled to be heard before the granting of said License, and the Licensing Board will give such remonstrants a fair opportunity to make their objections before acting upon said application.

The above-named application will be in order for hearing at **8:00 PM, MONDAY, APRIL 6, 2020** at the Narragansett Town Hall, 25 Fifth Avenue, at which time and place all persons so desiring may be heard.

Individuals requesting interpreter services for the hearing impaired must call 401-782-0621, seventy-two (72) hours in advance of the meeting date.

By Order of the Town
Council

Theresa C. Donovan, CMC
Town Clerk

The Narragansett Times
March 20, March 27 and April 3, 2020.

The Narragansett Times

April 24 and May 1, 2020.

TOWN OF NARRAGANSETT

NOTICE OF RESCHEDULED PUBLIC HEARINGS

During a Special Town Council Meeting on March 30, 2020, several scheduled public hearings were rescheduled due to the COVID-19 State of Emergency.

The public hearing schedule is now as follows:

- School, Municipal and Capital Improvement Plan Budgets: Monday, May 4 at 8:00 PM (first public hearing) (*originally March 23/School and April 6/Municipal & CIP*)
- Bulk Zoning Ordinance Amendments: **Tuesday**, May 26 at **7:30 PM** (*originally March 30*)
- Liquor Licenses (3): Monday, June 1 at 8:00 PM (*originally April 6*)
 - Transfer: Buster Krab's, 265 Great Island Road
 - Transfer: Proof, 140 Pt. Judith Road, Suite A-5
 - New: J Cove, 1 Angell Road
- Harbor Management Plan and related ordinances: June 15 at 8:00 PM (*originally April 20*)
- Recreational Vehicle Height: July 6 at 8:00 PM (*originally April 6*)

This schedule is subject to change, based upon ongoing emergency circumstances. The hearings will be conducted in accordance with any state or local executive orders that are in place on the date of the meeting. If gatherings are still limited, remote participation instructions will be printed on each meeting notice. Please contact Narragansett Town Clerk for further information: tdonovan@narragansettri.gov or 401-782-0621.

By Order of the Town Council
Theresa C. Donovan, CMC • Town Clerk

STATE OF RHODE ISLAND

Narragansett
City or Town

Board of Licensing Commissioners

Application For Transfer of Beverage License

Transfer of Location _____ Name Stock _____

RETAILER CLASS: A _____ BH _____ BM _____ BT _____ BV BVL _____ C _____ D _____ DL _____ E _____ J _____ T _____

Name of Transfer applicant _____ Tel. # _____

Bamke Reg 1112, LLC 401-641-1154

D/B/A Buster Crab's Beach Bar & Burger Shack

Address 265 Great Island Rd
Narragansett, RI 02882

The above hereby petitions the Licensing Board to transfer the said license to:
New Location (if any) _____

New Name (if any) One Eye Jack's, LLC

If Change of Stockholder's List old & New Stockholders:

Does applicant have draft system?
yes

[Signature] 2/13/20
Signature of Transferor Date
[Signature] 2/13/20
Signature of Transferee Date

The Board of License Commissioners has set a hearing:

Date and Time: _____

Place: _____

on this petition and ordered the same to be duly advertised.

For Board of License Commissioners

Date

Title



STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS
DEPARTMENT OF ADMINISTRATION
DIVISION OF TAXATION
ONE CAPITOL HILL
PROVIDENCE, RI 02908

LIQUOR LICENSE CERTIFICATE OF GOOD STANDING

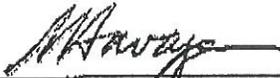
For the purpose of:

LIQUOR LICENSE MAJOR SALE OR TRANSFER

It appears from our records that **BAMKEL PEG 1112 LLC**, located at **265 GREAT ISLAND ROAD** and operating under Rhode Island sales tax permit number [REDACTED], has filed all the required returns due for this certificate of good standing and paid all known tax liabilities as of this date. **BAMKEL PEG 1112 LLC** is in good standing with the Rhode Island Division of Taxation as of **03/10/2020**. This certificate of good standing is expressly conditional and may be based upon unaudited returns, subject to future audit.

This Certificate of Good Standing does not cover any violation of chapter 20 of Title 44 that has occurred within the last thirty (30) days and any resulting assessments and/or license suspension which have not yet issued from the Division for such violation(s). Any subsequent application for a license or permit may be denied in accordance with R.I. Gen. Laws § 44-20-4.1.

Very truly yours,



Neena Savage
Tax Administrator



Ian Beauregard, Supervising Revenue Officer
Compliance and Collections

STATE OF RHODE ISLAND

TOWN OF NARRAGANSETT

BOARD OF LICENSE COMMISSIONERS
APPLICATION FOR LIQUOR LICENSE

RETAILER CLASS: A ___ BH ___ BM ___ BT ___ BV BVL ___ C ___ E ___ ED ___ J ___ T ___

Business Structure: Corporation Partnership LLC Individual

One Eye Jack's, LLC
Name of Applicant/Corporation

D/B/A

265 Great Island Rd., Narragansett, RI 02882
Address of Premise

401-490-3200
Phone Number of Business

mark@murphyandfay.com
Email Address

State - Incorporated: RI

Date of Incorporation: 1/24/20

Name, Address, Telephone of all Officers/Members with percentage ownership:

<u>Robert Fay</u> President/Member Name	<u>127 Dorrance St., Prov, RI 02903</u> Address	<u>490-3200</u> Phone	<u>50</u> % Ownership
<u>Mark A. Fay</u> Vice President/Member Name	<u>127 Dorrance St., Prov, RI 02903</u> Address	<u>490-3200</u> Phone	<u>50</u> % Ownership

Secretary/Member Name Address Phone % Ownership

Treasurer/Member Name Address Phone % Ownership

Name and Address of All Directors or Board Members, with percentage ownership:

n/a

Name Address Phone % Ownership

Name Address Phone % Ownership

Name Address Phone % Ownership

If application is on behalf of undisclosed principal or party, please give details:

n/a

Does Applicant Own Premises? Yes ___ No Is Property Mortgaged? Yes ___ No or Leased? Yes No ___

Give Name and Address of Mortgagee or Lessee and Amount of Extent

W. Joseph Pearce & Hildur A. Pearce
Name Address

PO Box 5620
Wakefield, RI 02880

Amount - Term

Have any Officers, Members or Stockholders ever been arrested or convicted of a crime? Yes ___ No If yes, explain:

Is any other business to be conducted within Licensed Premises? Yes ___ No If yes, explain:

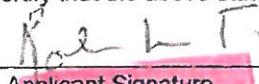
Does Applicant or any of its Officers, Members or Stockholders have an interest, direct or indirect, as principle or associate, or in any manner whatsoever, in any retail license issued under Title 3 of the RI General Laws? If yes, explain:

Is Applicant the owner or operator of any other business? If yes, explain:

State amount of capital invested in the business connected to this application.

Do you have now, or will you be installing, a draught system? Yes No ___

I hereby certify that the above statements are true to the best of my knowledge and belief:


Applicant Signature Robert Fay

2/13/20
Date

1. Every question on Application Form must be answered. Any false statement made by the Applicant will be sufficient grounds for the denial of the application, or the revocation of the license in the event one has been granted.
2. A corporation having 25 or more stockholders need not file a list of the names and addresses of stockholders.
3. Attention is called to the requirements of RIGL §3-5-10:
 - a) All newly elected officers, members, or directors must be reported to the Board of License Commissioners within 30 days.
 - b) Any acquisition by any person of more than ten per cent (10%) of any class of corporate stock must be reported within 30 days.
 - c) Any transfer of fifty percent (50%) or more of any class of corporate stock can be made only by written application to the licensing board, and is subject to the procedures for a transfer of license.

APPLICATION FOR TRANSFER OF LICENSE ONLY

Select one: Transfer of Location ___ Name Stock ___ Current Retail Class ___

Bamkelpog III LLC
Name of Transferor (applicant/current owner)

Buster Krab's Beach Bar & Burger Shack
d/b/a

265 Great Island Rd., Narragansett, RI 02882
Address

The above hereby petitions the Licensing Board to transfer the said license to:

New Location (if any): n/a

New Name (if any): One Eye Jack's, LLC

If change of stockholders, list old and new stockholders: n/a


Signature of Transferor (current owner) Kelli Snow
Date 2/13/20


Signature of Transferee (new owner) Robert Fay
Date 2/13/20

Town of Narragansett
25 Fifth Avenue
Narragansett, RI 02882

MISCELLANEOUS LICENSE APPLICATION

Buster Crab's
Trade name

One Eye Jack's, LLC
Owner's name

265 Great Island Rd.
Company address (line 1)

127 Dorrance St., 2nd fl.
Mailing address (line 1)

Narragansett, RI 02882
Company address (line 2)

Providence, RI 02903
Mailing address (line 2)

Company telephone #

401-490-3200
Owner's telephone #

Enter: Plat Lot(s)#

TYPE(S) OF LICENSE:

VICTUALLING LICENSE

FEE:

\$ 50.00

\$ _____

\$ _____

Signature: 

Robert Fay

Date: 2/13/20

ANSWER ONLY IF APPLICABLE:

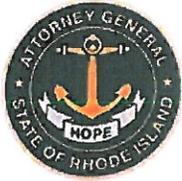
Food Dispenser/Victualer

Type of Operation: Full Service Restaurant

Food Source(s): _____

Seating capacity: 110 # of dining rooms: 2

of kitchens: 1 # of meals served daily: 200



State of Rhode Island and Providence Plantations

OFFICE OF THE ATTORNEY GENERAL

150 South Main Street Providence, RI 02903

(401) 274-4400

Peter F. Neronha
Attorney General

B.C.I.

BUREAU OF CRIMINAL IDENTIFICATION

Date: 02/07/2020 08:47 AM

TO WHOM IT MAY CONCERN:

A check of the Criminal History Records of the State of Rhode Island on file with the Bureau of Criminal Identification of the Rhode Island Office of the Attorney General on the above date shows that:

NAME: ROBERT FAY D.O.B. ██████████

● DOES **NOT** HAVE AN ADULT CRIMINAL RECORD AT THE BUREAU OF CRIMINAL IDENTIFICATION IN **RHODE ISLAND.**

RECORDS SUPPORTED BY FINGERPRINT ONLY

THIS FORM IS NOT VALID WITHOUT THE SEAL OF THE ATTORNEY GENERAL

Attorney General
Peter F. Neronha

R.I. State Bureau of
Criminal Identification

February 07, 2020

Conducted By: SH
No Record In Rhode Island

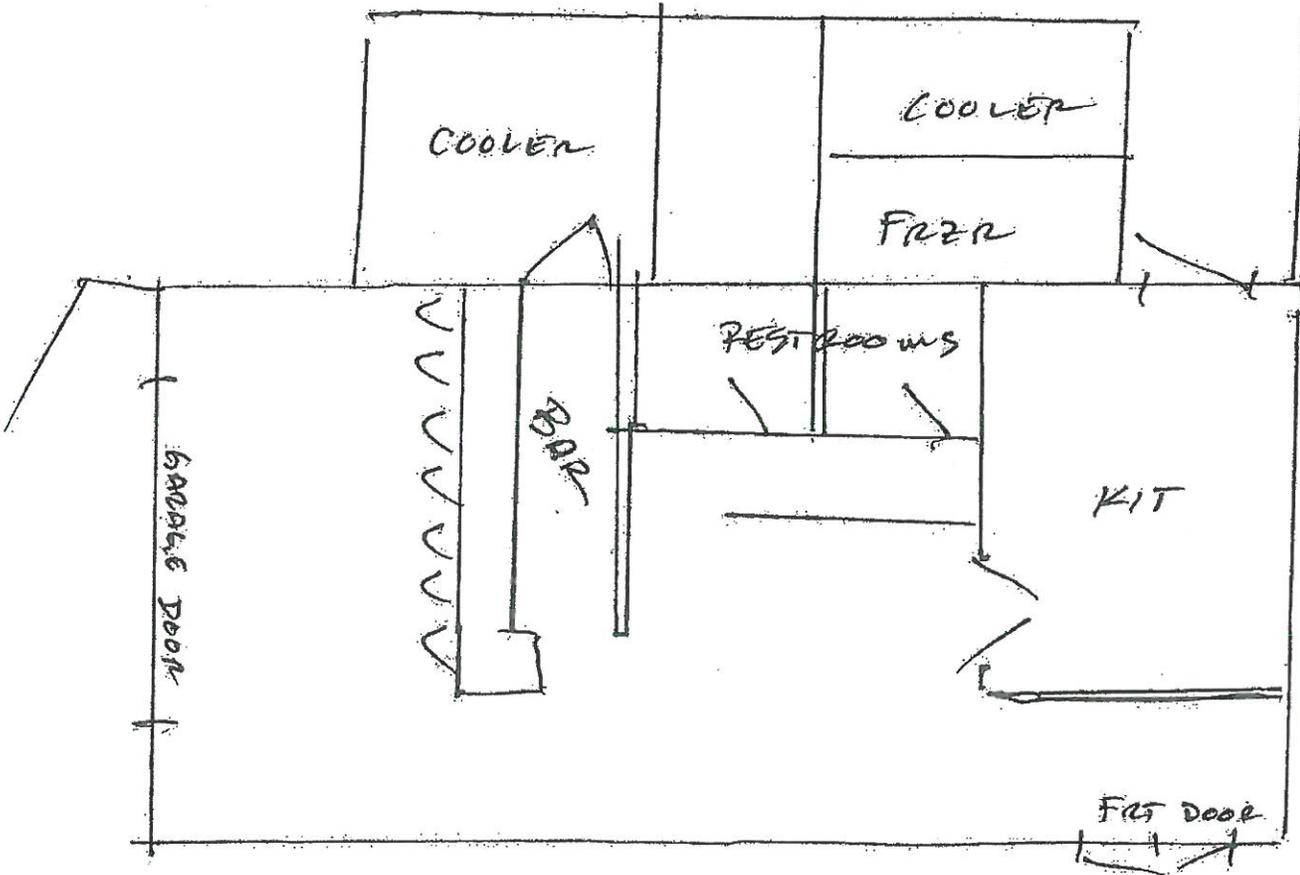
NO ADULT CRIMINAL RECORD IN RHODE ISLAND
THIS REPORT DOES NOT REFLECT FEDERAL CONVICTIONS OR
CONVICTIONS IN OTHER STATES, IF ANY



TOWN OF NARRAGANSETT

Town Hall • 25 Fifth Avenue • Narragansett, RI 02882
Tel. (401)782-0603 Fax (401)783-9637

Date 2/13/20



BUSINESS NAME: One Eye Jack's LLC db/a Buster Krab's
SIGNATURE: Robert Fay Beach Bar & Burger Shack

LIQUOR LICENSE RULES AND REGULATIONS

I. NEW LICENSE APPLICATIONS:

A. Application:

1. An application form must be obtained from the Town Clerk, be fully completed, and returned to the Town Clerk with the application processing fee and all required documentation to include:
 - a. Site Plan
 - b. Receipt of a Special Use Permit from the Zoning Board of Review.
2. The application forms to be used are contained in Appendix A and are specifically made part of these rules and regulations.
3. A nonrefundable application processing fee of \$25 will be charged for every application.
4. The application must contain a brief written description of the premises sufficient to identify the specific location, within the building and/or on the property grounds where liquor is to be served and/or consumed. A site plan, drawn to an acceptable engineering scale and accurately presenting all required data must be submitted with, and as part of, the license application. The site plan shall contain:

Parcel identification (Tax Assessor's Map and Lot).

Property ownership.

Zoning Classification.

Identification of all special exceptions, variances, and other legally authorized deviations from the Zoning Ordinance with dates of authorization including special exceptions granted for the expansion of existing uses.

Identification of exact premises within the building and/or grounds where liquor is to be served and/or consumed.

Identification of all property owners within 200 feet of any point of the premises where liquor is to be served and/or consumed.

- B. Notice: Notice of the application must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice

is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date.
- D. Costs: The applicant shall be responsible for paying all costs for the notice, advertising and stenographer.
- E. Special Exception: Liquor service is permitted under the Zoning Ordinance only by special use permit. Prior to any hearing on the application for a license, the applicant must demonstrate that a special use permit has been received from the Zoning Board. Any and all conditions imposed upon the applicant by the Zoning Board of Review shall become conditions of the license.

II. BASIS FOR DENIAL:

- A. All available licenses authorized under the limits established by these rules and regulations have been issued, and no license is currently available.
- B. Objection is made by owners of the greater part of the area within 200 feet of the premises where a Class B, C or I license is to be operated. (Rhode Island General Laws Section 3-7-19.) If the owner or owners of the majority of this area object, then the Council is without authority to issue the license. The area within 200 feet of the premises means the area within a line 200 feet distant from every side of the proposed premises.
- C. Objection is made by owners of less than the greater part of the area within 200 feet of the premises where the license is to be operated. The Council has discretionary authority to either issue or deny the license.
- D. Premises is located within 200 feet of a school or place of public worship. (Rhode Island General Laws Section 3-7-19.) The 200 foot measurement shall be made from that point of the proposed licensed place closest to the nearest improved point of the school or place of worship.
- E. The Council has general discretionary authority to deny a license based upon criteria which it has established and fairly applies. The following criteria have been established by the Town Council:
 - 1. Compliance with all Town Ordinances;

2. Citizen reaction to the application;
 3. Proximity of location to a residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 4. Impact on traffic;
 5. Parking;
 6. Impact on existing municipal services and requirement, if any, for new municipal services;
 7. Impact on Police Department;
 8. Whether license will be a major component of the business or an auxiliary use to an eating establishment;
 9. The history of operations at the premises for which a license is requested;
 10. Proportion of unsupervised patrons under 21 years of age;
 11. Effect on neighborhood real estate values;
 12. Qualification of the applicant to hold and operate the license;
 13. Such other health and safety factors as each individual application may present.
 14. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
- F. Failure of applicant to comply with the requirements of State law, including, but not limited to:
1. Applicant must be a citizen and resident of Rhode Island, except that licenses may be issued to corporations incorporated in other states of the United States if they are authorized to transact business in Rhode Island (Rhode Island General Laws Section 3-5-10).
 2. Corporate applicants with 25 stockholders or less must provide a list of the names and addresses of all stockholders, officers and members of the Board of Directors to the Town Council, and each person listed must be a suitable person to hold a license within the discretion of the Town Council (Rhode Island General Laws Section 3-5-10).

3. Failure of a corporation to report the acquisition of a 10% increase and any change of officer or directors within thirty (30) days (Rhode Island General Laws Section 3-5-10).
4. Applicant has a criminal record or repeated violations of the Alcoholic Beverage Laws (Rhode Island General Laws Section 3-5-10).

III. LICENSE RENEWAL APPLICATION:

- A. All licenses (except F and F-1) are issued for a period of not more than one (1) year and shall be renewable on December 1 each year in accordance with these Rules and Regulations and State law.
- B. License renewal applications shall be submitted on the same application form as an original application except that the application shall indicate that it is a renewal application. The license renewal applications should be submitted by October 1 to allow time for processing. Failure to submit a timely license renewal application shall be grounds for denying renewal of the license.
- C. The renewal applicant need not submit a new site plan provided that there is a site plan on file which accurately reflects the premises and the exact places on the premises where liquor is to be served and/or consumed. If there has been any change in the premises, including any changes to the places on the premises where liquor is to be served and/or consumed, failure to submit a new site plan with the renewal application shall be grounds for denial of the application or revocation of the license. Any change to the site plan which changes the places on the premises where liquor is either served or consumed must be approved by the Town Council in accordance with the procedures set forth in Section VII hereof.
- D. The full amount of the annual license fee must be submitted with the application plus a \$25 nonrefundable application processing fee (Rhode Island General Laws Section 3-7-6).
- E. Failure of the Town Council to act on a license renewal application, timely submitted and fully completed and executed, shall cause the existing license to be extended until such time as the Town Council acts on the application (Rhode Island General Laws Section 42-35-14).
- F. The holder of a license is entitled to have the license renewed, provided:
 1. The license renewal application is complete and timely submitted by October 1.

2. The applicant meets all the criteria for issuance of the initial license.
 3. The Town Council may refuse to renew the license for cause. Cause shall include:
 - a. One or more incidents of disorderly conduct within the licensed premises or outside the licensed premises if the conduct can be shown to have its genesis within the premises;
 - b. Failure to comply with State and local health and safety laws, codes, ordinances, rules and regulations;
 - c. Failure to comply with State and local alcoholic beverage laws, codes, rules and regulations;
 - d. Delinquency of applicant in payment of municipal taxes and user fees in accordance with Section 9-14 of the Town Code; and
 - e. Failure to furnish a Certificate of Good Standing from the Rhode Island Division of Taxation.
- G. Notice: On condition that there is no change to the site plan, including any changes to the places on the premises where liquor is to be served and/or consumed, it shall not be necessary to provide notice by mail to abutting landowners for renewal applications.
- H. Advertising: The license renewal application shall be advertised in a newspaper of local circulation. The advertisement shall provide the date and time of the meeting at which the renewal application shall be considered. Costs of the advertisement shall be paid for by the applicant at the time of submission of the renewal application.

IV. RELOCATION OR TRANSFER OF LICENSE:

- A. Relocation means moving the license to a new location; transfer means conveyance of the license to another person (Rhode Island General Laws Section 3-5-19).
- B. Notice: Notice of the application for relocation must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses nor for transfers to a new owners without relocation.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date. Costs of the advertisement shall be paid for by the applicant at the time of submission of the application.
- D. No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. If the debt is disputed, the transfer may be permitted upon the sworn statement of the licensee that the debt is disputed and the dispute is not being raised to facilitate the transfer (Rhode Island General Laws Section 3-5-19). Creditors cannot object to a transfer resulting from a proceeding in Bankruptcy, Receivership, Probate or other judicial process.
- E. No transfer to another person shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.
- F. No transfer to another person shall be permitted if there is a delinquency in payment of municipal taxes or user fees.
- G. The Town Council has general discretionary authority to deny relocations or transfers of a license based upon the same criteria which it has established for issuance of an original license.
 - 1. Criteria for Relocation Application:
 - a. Compliance with all Town Ordinances;
 - b. Citizen reaction to the application;
 - c. Proximity of location to residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 - d. Impact on traffic;
 - e. Parking;
 - f. Impact on existing municipal services and requirement, if any, for new municipal services;
 - g. Impact on Police Department;
 - h. Whether license will be a major component of the business at the new location or an auxiliary use to an eating establishment;

- i. The history of operations at both the old premises and the new premises for which a license is requested;
 - j. The anticipated proportion of unsupervised patrons under 21 years of age at new location;
 - k. Such other public health and safety factors as each individual application may present;
 - l. Effect on neighborhood real estate values;
 - m. Such other health and safety factors as each individual application may present.
 - n. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
2. Criteria for Transfer Application:
- a. Qualification of transferee to hold and operate the license;
 - b. Compliance with all Town Ordinances;
 - c. Such other public health and safety factors as each individual application may present;
 - d. Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. above shall also be applicable.

V. LICENSE RESTRICTIONS:

- A. The Town Council shall have the authority to impose restrictions upon a license, whether newly issued, renewed, transferred or relocated, provided the restrictions are designed to promote the reasonable control of alcoholic beverages.
- B. The Town Council shall have broad discretionary authority to impose restrictions which are generally applied to all liquor licenses or all licenses within a class. Restrictions applicable to all licenses include:
 - 1. No loud noise, music or other nuisance shall be permitted to annoy nearby residents, persons on adjoining properties, streets or sidewalks. The prohibited loud noises shall include but not be limited to the disposal of trash.

2. Generally, the sale of alcoholic beverages must be incidental to the sale of food.
3. Liability acceptance:
 - a. The applicant assumes all responsibility and liability which may result from the granting of the license;
 - b. Public safety officials who are hired to police the establishment are not liable or responsible for the checking of identification; it is solely the responsibility of the applicant;
 - c. The applicant acknowledges that the Town of Narragansett assumes no responsibility or liability by the granting of the license.
4. Any other conditions imposed by the Zoning Board of Review must be complied with by the licensee.
5. The Building, Electrical & Plumbing Inspectors and the Fire Marshall shall inspect the premises and issue their findings to the Town Council on the status of the premises. Applicants shall, before being issued a license or a renewal, correct any violations of the building, electrical, plumbing or fire codes which may exist.
6. A license must be posted in plain view and shown to any authorized person upon demand. Additionally, the licensee shall post the name of the Manager or person in charge of the licensed premises in plain view with the license at all times.
7. A telephone and toilets accessible to the public in good working order must be maintained by all holders of A, B, C and D licenses on the main floor within each licensed building.
8. No persons shall be admitted to the premises after the legal closing hour.
9. Minors shall not be allowed to loiter in or around the premises.
10. All patrons shall leave the licensed premises within one-half (1/2) hour after the required closing time, and all employees shall leave the licensed premises within one (1) hour after the required closing time. However, the owner and/or general manager of any establishment may enter or be in an establishment at any time for a legitimate business purpose; provided, however, that the owner or general manager must first inform the Police of his/her entering the licensed premises. Management and bona fide employees may not consume alcoholic beverages after patrons have left

the establishment. No employee shall be allowed on the premises for maintenance purposes earlier than two (2) hours before the legal opening time, and, during this period, there shall be no consumption of alcoholic beverages.

In the event of extenuating circumstances, and in accordance with Section 12-23 of the Town Ordinances, the above restrictions may be modified.

No alcoholic beverages shall be consumed by the licensee or employees after the required closing time.

No one, other than employees, police and enforcement personnel, shall be admitted to the premises after the required closing time.

These regulations are in addition to any state and/or Town laws and regulations to which all licenses are subject.

11. The licensed premises, associated parking, and outside areas and the conduct of patrons therein and thereon shall be efficiently and affirmatively supervised by the licensee so as to preclude the annoyances or disturbance of the public and persons residing the surrounding area and to ensure that no unlawful activity is engaged in by patrons, agents or employees.

Patrons shall not be allowed to congregate or remain in the associated parking or outside areas longer than is reasonably necessary for them to go to the licensed premises from their vehicles or to their vehicles from the licensed premises.

Patrons shall not be allowed to consume any alcoholic beverage in the associated parking areas or in any areas on the property other than the licensed premises as delineated on the site plan.

All fights or acts of violence or any violation of the laws of the State of Rhode Island or Town of Narragansett on the licensed premises or adjacent areas under the control of the licensee shall be reported immediately to the Police Department by the licensee.

No alcoholic beverages shall be removed from the licensed premises of a Class B, C or D licensee by any person.

12. At all times while the premises are occupied, police and other enforcement officials while on duty must be admitted and granted access to the entire licensed premises including the parking lot and associated areas surrounding the building.

13. No licensee or any agent, servant, employee or representative thereof shall in any way interfere with the official duties or activities of any police or other enforcement official. All licensees, their agents, servants, employees or representatives shall promptly identify themselves to any police or other enforcement official when requested to do so.
14. No licensee shall permit any ordinance of the Town of Narragansett to be violated on or within its premises by any agent, patron, servant, employee or representative thereof.
15. Parking areas and other outside areas associated with and used by the patrons and/or workers of the licensed premises shall be kept clean and free of litter.
16. The Town Council may, if it deems reasonably necessary for public health and safety, require a license holder to provide for police details at certain specified times. Any such details shall be subject to the terms and conditions contained in the Collective Bargaining Agreement between the Town and Local 303.
17. All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, and valet parking staff employed at a licensed establishment shall be required to hold a certification in Responsible Beverage Service Training. All licensees shall be required to demonstrate to the Town Clerk, at the time of filing for the initial granting of a license or at the time of filing for the renewal of a license, proof that all applicable employees hold the required certification.
18. License holders shall not permit the serving of minors nor shall they permit the serving of alcoholic beverages to persons who are so intoxicated that they cannot reasonably be expected to be responsible for their own safety or the safety of others.
19. Any attempt to utilize false identification must be immediately reported to the police.
20. A licensee may not require a patron to purchase more than one drink at a reduced price during a specific period of time.
21. A licensee shall not increase the alcoholic volume of a drink without proportionately increasing the price.
22. Open bars are prohibited. Open bar is defined as a fixed price for an unlimited number of drinks during a specified time.

23. No games or promotions concerning the consumption of alcoholic beverages are allowed on the premises or the awarding of alcoholic beverages for consumption on the premises.
 24. No licensee shall advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and/or free drink specials. This does not preclude advertising prices on menus or otherwise within the establishment.
 25. A licensee may not sell or deliver two or more drinks for a charge less than the price per drink multiplied by the number of drinks. (Ex.: "Two for One")
 26. Nothing contained herein shall be construed to prohibit licensee from offering free food or entertainment at any time.
 27. A licensee may include an alcoholic beverage (1 drink) as part of a meal package.
 28. A licensee may sell or deliver wine by the bottle or carafe when sold with meals or to more than one (1) person.
 29. Wine tastings are permitted pursuant to Title 3 of the Rhode Island General Laws.
- C. All licensees shall comply strictly with the above conditions. Violations shall be considered cause for suspension or revocation of the license.
- D. Restrictions imposed upon a particular license, not generally applicable to all licenses, should be reasonably supported by competent evidence presented to the Town Council or agreed to by the licensee. Restrictions that may be imposed include, but are not limited to:
1. Reduced hours of operation.
 2. Entertainment restrictions.
 3. Alcoholic beverage service with the service of a meal only.
 4. The service or drinking of alcoholic beverages may be restricted to tables.
 5. Limitations on seating capacity.
 6. Requiring that alcoholic beverages be only served from a service bar.

7. Restricting the area of the premises where alcohol may be served and/or consumed.

VI. REVOCATIONS AND FINES:

- A. The Town Council may revoke or suspend any license that it has issued or impose a fine up to \$500 for a first offense and \$1,000 for a second offense, if:

1. The license holder has breached any express condition imposed on the license.
2. The license holder has violated the provisions of State law concerning alcoholic beverages, including but not limited to the rules and regulations issued by the Liquor Control Administration and/or the Department of Business Regulation.
3. The license holder has violated the provisions of these Rules and Regulations or any applicable Town Ordinances.

- B. Hearing: Prior to the revocation or suspension of a license or the imposition of a fine, the Town Council shall send notice by mail to the licensee and give the licensee the opportunity to show cause why the license should not be suspended or revoked or why a fine should not be imposed. The notice shall provide:

1. The factual basis for the revocation, suspension or fine;
2. The date on which the show cause hearing is to be held.

If the Town Council finds that the public health, safety or welfare requires immediate suspension or revocation, it may suspend or revoke the license and promptly provide the licensee with a hearing.

VII. EXPANSION OF LIQUOR SERVICE:

- A. The Town Council specifically reserves the right to limit the area on the premises where liquor may be served and/or consumed.

- B. To expand the area wherein alcoholic beverages may be served and/or consumed beyond that authorized in the existing license, the license holder must:

1. First, obtain, if applicable, the approval of the Zoning Board to expand the special use permit to serve and/or consume in the expanded area. All applicable requirements of the Zoning Ordinance with regard to special use permits shall apply.

2. Obtain the approval of the Town Council to expand the premises wherein service and/or consumption of alcoholic beverages is authorized.
- C. To obtain approval from the Town Council for the expansion of liquor service, the license holder must submit a new license application, with a new written description and site plan. A public hearing shall be held. Notice in accordance with Sections I(B) and (C) shall be given. The criteria applicable to a new license shall apply to an expansion.

VIII. COMPLIANCE WITH CONDITIONS OF APPROVAL:

Unless a longer period is authorized by the Town Council, when any license application, including renewals, transfers or relocations, is approved by the Town Council subject to certain actions or conditions being complied with by the licensee, all such actions or conditions shall be complied with and fulfilled no later than thirty (30) days after date of the vote of the Town Council. Examples of these conditions or actions are the payment of taxes, the obtaining of a Certificate of Occupancy or the completion of a closing. If the licensee fails to comply and does not pay all required fees and expenses within the thirty-day period, then the approval of the Town Council shall be automatically rescinded.

IX. NUMBER OF ALCOHOLIC BEVERAGE LICENSES:

- A. In accordance with the authority granted to it by Rhode Island General Laws Section 3-5-16, the Town Council may set limits on the number of alcoholic beverage licenses available within the Town.
- B. Annually, in the month of February, the Town Council may, in its discretion, vote to increase the number of authorized licenses in any class so as to give interested persons the opportunity to apply for an alcoholic beverage license. If the Town Council decides to consider increasing the number of authorized licenses, it shall in the month of December direct the Town Clerk to advertise in the first week of January the fact that the Town Council is considering increasing the number of authorized licenses. The notice shall require all interested parties to submit an application and all of the material required under Section I hereof not later than February 10.
- C. At the second regular meeting of the Town Council in the month of February, the Town Clerk shall provide to the Town Council copies of all applications received. The Town Council may then, in its discretion, vote to increase the number of authorized licenses by the number of applications received. If the Town Council votes to increase the number of authorized licenses, then the following provisions shall apply:

1. The Town Council shall schedule public hearings in accordance with Section I hereof for all applicants who have in a timely manner submitted a completed application and all of the required material.
2. Unless otherwise agreed to by the Town Council, only two public hearings per Council meeting shall be scheduled. Hearings will be scheduled in the order in which completed applications were filed in the Town Clerk's office. At the close of each public hearing, the Town Council in its discretion may either vote on the application or defer decision until a later date. After all of the public hearings are completed and decisions rendered, the Town Council shall if necessary reduce the number of authorized licenses to an amount equal to the number of approved licenses.
3. The Town Council may deny any application for any of the reasons set forth in Section II hereof.
4. Notwithstanding any provisions to the contrary, the Town Council reserves the right to refuse to schedule a public hearing for any applicant who does not comply with the provisions of State law, Town Ordinances or these Regulations.
5. The terms of this section are not meant to and do not preclude the Town Council from raising the number of authorized licenses and scheduling public hearings at other times during the year if the need arises. For the year 1997, the time frames set forth in Sections A and B hereof shall be adjusted, based upon the date of adoption of these Rules and Regulations.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: _____

Amend No. _____

Date Prepared: May 22, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Theresa C. Donovan, CMC, Town Clerk
SUBJECT: Public Hearing on a Transfer of a Class BV Alcoholic Beverage License at 140 Point Judith Road, Suite A-5, Narragansett, RI

RECOMMENDATION:

That the Town Council holds a public hearing on an application for the transfer of a Class B-Victualler Alcoholic Beverage License from Proof Properties LLC, dba Proof to Ralph Jagschitz, dba Gansett Public House at Assessor's Plat P, Lot 289-5, 140 Point Judith Road, Suite A-5, Narragansett, RI.

SUMMARY:

Proof Properties LLC and Ralph Jagschitz have filed an application for a transfer of a Class B-Victualing liquor license at 140 Point Judith Road, Suite A-5, Assessor Plat P, Lot 289-5. The public hearing on this transfer application was originally scheduled and advertised for April 6. Due to the COVID-19 emergency, the Town Council met on March 30 and announced the postponement of the hearing until June 1, 2020 at 8:00 PM.

The conditions in place for Proof were as follows:

- a) Alcohol may be served at the tables in the dining room area, with food, by waiters and waitresses.
- b) Alcohol can be served in the bar area, at the bar and at tables, without food. Meals can be served at the bar and at the tables within the bar area.
- c) Bar seating can be no larger than the previous bar.
- d) Entertainment is allowed during the hours of operation and can include live music and disk jockeys.
- e) Outside seating is now allowed for ten individuals to be served alcohol with food by servers.

No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. In cases of dispute as to the amount of indebtedness, the transfer may be permitted upon statement of the licensee, under oath, that the claim of indebtedness is disputed and that the statement of dispute is not interposed for the purpose of inducing transfer of the license. (Rhode Island General Laws Section 3-5-

19)

Creditors cannot object to a transfer resulting from a proceeding in bankruptcy, receivership, probate or other judicial process.

No transfer to another person shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.

No transfer to another person shall be permitted if there is a delinquency in payment of municipal taxes or user fees.

The Town Council has general discretionary authority to deny relocation or transfer of a license based upon the same criteria which it has established for issuance of an original license.

Criteria for Transfer Application:

Qualification of transferee to hold and operate the license;

Compliance with all Town Ordinances;

Such other public health and safety factors as each individual application may present;

Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. of the Town's Rules and Regulations shall also be applicable.

ATTACHMENTS:

1. Initial and supplementary advertisements
2. Transfer Application
3. Class B-V License Application
4. Rules

**TOWN OF
NARRAGANSETT
PUBLIC HEARING
ALCOHOLIC
BEVERAGE LICENSE**

NOTICE is hereby given by the Town Council of the Town of Narragansett, it being the Licensing Board of said Town, that the following named petitioners have applied for the Transfer of License of a Class BV Alcoholic Beverage License under the provisions of Title 3 of the General Laws of Rhode Island, 1956, and amendments thereto, for their respective place of business hereinafter set forth, viz:

**FROM: Proof Properties
LLC
d/b/a/ Proof
140 Point Judith Road
Plat P, Lot 289-5
Narragansett RI**

**TO: Ralph Jagschitz
d/b/a Gansett Public House
140 Point Judith Road
Plat P, Lot 289-5
Narragansett RI**

Remonstrants are entitled to be heard before the granting of said License, and the Licensing Board will give such remonstrants a fair opportunity to make their objections before acting upon said application.

The above-named application will be in order for hearing at **8:00 PM, MONDAY, APRIL 6, 2020** at the Narragansett Town Hall, 25 Fifth Avenue, at which time and place all persons so desiring may be heard.

Individuals requesting interpreter services for the hearing impaired must call 401-782-0621, seventy-two (72) hours in advance of the meeting date.

By Order of the Town
Council
Theresa C. Donovan, CMC
Town Clerk

The Narragansett Times

March 20, March 27 and April 3, 2020.

The Narragansett Times

April 24 and May 1, 2020.

**TOWN OF NARRAGANSETT
NOTICE OF RESCHEDULED PUBLIC HEARINGS**

During a Special Town Council Meeting on March 30, 2020, several scheduled public hearings were rescheduled due to the COVID-19 State of Emergency.

The public hearing schedule is now as follows:

- School, Municipal and Capital Improvement Plan Budgets: Monday, May 4 at 8:00 PM (first public hearing) (*originally March 23/School and April 6/Municipal & CIP*)
- Bulk Zoning Ordinance Amendments: **Tuesday**, May 26 at **7:30 PM** (*originally March 30*)
- Liquor Licenses (3): Monday, June 1 at 8:00 PM (*originally April 6*)
 - Transfer: Buster Krab's, 265 Great Island Road
 - Transfer: Proof, 140 Pt. Judith Road, Suite A-5
 - New: J Cove, 1 Angell Road
- Harbor Management Plan and related ordinances: June 15 at 8:00 PM (*originally April 20*)
- Recreational Vehicle Height: July 6 at 8:00 PM (*originally April 6*)

This schedule is subject to change, based upon ongoing emergency circumstances. The hearings will be conducted in accordance with any state or local executive orders that are in place on the date of the meeting. If gatherings are still limited, remote participation instructions will be printed on each meeting notice. Please contact Narragansett Town Clerk for further information: tdonovan@narragansettri.gov or 401-782-0621.

By Order of the Town Council
Theresa C. Donovan, CMC • Town Clerk

'20 FEB 7 PM 12:58

Narragansett
City or Town

STATE OF RHODE ISLAND

Board of Licensing Commissioners

Application For Transfer of Beverage License

Transfer of Location _____ Name _____ Stock _____

RETAILER CLASS: A BH BM BT BV X BVL C D DL E J T

Proof Properties _____ 401-284-1544
Name of Transfer applicant _____ Tel. # _____

D/B/A _____
140 Point Judith Rd
Address _____
Unit A5
Narragansett, RI 02882

The above hereby petitions the Licensing Board to transfer the said license to:
New Location (if any) _____

New Name (if any) Gansett Public House

If Change of Stockholder's List old & New Stockholders:

Does applicant have draft system?
yes

[Signature] _____ 2-7-20
Signature of Transferor _____ Date
[Signature] _____ 2-7-20
Signature of Transferee _____ Date

The Board of License Commissioners has set a hearing:

Date and Time: _____

Place: _____

on this petition and ordered the same to be duly advertised.

For Board of License Commissioners

Date

Title

STATE OF RHODE ISLAND

TOWN OF NARRAGANSETT

BOARD OF LICENSE COMMISSIONERS
APPLICATION FOR LIQUOR LICENSE

RETAILER CLASS: A ___ BH ___ BM ___ BT ___ BV ___ BVL X C ___ E ___ ED ___ J ___ T ___ 20 FEB 14 AM 11:08

Business Structure: Corporation Partnership LLC Individual

Ralph Jugschitz
Name of Applicant/Corporation

Gansett Public House
D/B/A

140 Point Judith Rd Unit A5, A6, A7
Address of Premise

401.844.1515 rjchance31@hotmail.com
Phone Number of Business Email Address

State - Incorporated: n/a Date of Incorporation: n/a

Name, Address, Telephone of all Officers/Members with percentage ownership:
Ralph Jugschitz 54 Lollation Circle N. Kingston 401.844.1515 100%
President/Member Name Address Phone % Ownership

Vice President/Member Name Address Phone % Ownership

Secretary/Member Name Address Phone % Ownership

Treasurer/Member Name Address Phone % Ownership

Name and Address of All Directors or Board Members, with percentage ownership:
Name Address Phone % Ownership
Name Address Phone % Ownership
Name Address Phone % Ownership

If application is on behalf of undisclosed principal or party, please give details:

Does Applicant Own Premises? Yes ___ No X Is Property Mortgaged? Yes ___ No ___ or Leased? Yes ___ No ___

Give Name and Address of Mortgagee or Lessee and Amount of Extent
OR Properties 140 Point Judith Rd Unit A7 3,100.00
Name Address Narragansett, RI Amount - Term
02882

Have any Officers, Members or Stockholders ever been arrested or convicted of a crime? Yes ___ No X If yes, explain:

Is any other business to be conducted within Licensed Premises? Yes ___ No X If yes, explain:

Does Applicant or any of its Officers, Members or Stockholders have an interest, direct or indirect, as principle or associate, or in any manner whatsoever, in any retail license issued under Title 3 of the RI General Laws? If yes, explain:

NO

Is Applicant the owner or operator of any other business? If yes, explain:

Sole owner of Commercial Fishing Boat

State amount of capital invested in the business connected to this application.

\$ 105,000

Do you have now, or will you be installing, a draught system? Yes X No ___

I hereby certify that the above statements are true to the best of my knowledge and belief:

Zalfeh Jazpality
Applicant Signature

2-8-2020
Date

1. Every question on Application Form must be answered. Any false statement made by the Applicant will be sufficient grounds for the denial of the application, or the revocation of the license in the event one has been granted.
2. A corporation having 25 or more stockholders need not file a list of the names and addresses of stockholders.
3. Attention is called to the requirements of RIGL §3-5-10:
 - a) All newly elected officers, members, or directors must be reported to the Board of License Commissioners within 30 days.
 - b) Any acquisition by any person of more than ten per cent (10%) of any class of corporate stock must be reported within 30 days.
 - c) Any transfer of fifty percent (50%) or more of any class of corporate stock can be made only by written application to the licensing board, and is subject to the procedures for a transfer of license.

APPLICATION FOR TRANSFER OF LICENSE ONLY

Select one: Transfer of Location _____ Name _____ Stock _____ Current Retail Class _____

Name of Transferor (applicant/current owner)

d/b/a

Address

The above hereby petitions the Licensing Board to transfer the said license to:

New Location (If any): _____

New Name (If any): _____

If change of stockholders, list old and new stockholders:

[Signature]
Signature of Transferor (current owner)

2/8/2020
Date

Signature of Transferee (new owner) Date

LIQUOR LICENSE RULES AND REGULATIONS

I. NEW LICENSE APPLICATIONS:

A. Application:

1. An application form must be obtained from the Town Clerk, be fully completed, and returned to the Town Clerk with the application processing fee and all required documentation to include:
 - a. Site Plan
 - b. Receipt of a Special Use Permit from the Zoning Board of Review.
2. The application forms to be used are contained in Appendix A and are specifically made part of these rules and regulations.
3. A nonrefundable application processing fee of \$25 will be charged for every application.
4. The application must contain a brief written description of the premises sufficient to identify the specific location, within the building and/or on the property grounds where liquor is to be served and/or consumed. A site plan, drawn to an acceptable engineering scale and accurately presenting all required data must be submitted with, and as part of, the license application. The site plan shall contain:

Parcel identification (Tax Assessor's Map and Lot).

Property ownership.

Zoning Classification.

Identification of all special exceptions, variances, and other legally authorized deviations from the Zoning Ordinance with dates of authorization including special exceptions granted for the expansion of existing uses.

Identification of exact premises within the building and/or grounds where liquor is to be served and/or consumed.

Identification of all property owners within 200 feet of any point of the premises where liquor is to be served and/or consumed.

- B. Notice: Notice of the application must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice

is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date.
- D. Costs: The applicant shall be responsible for paying all costs for the notice, advertising and stenographer.
- E. Special Exception: Liquor service is permitted under the Zoning Ordinance only by special use permit. Prior to any hearing on the application for a license, the applicant must demonstrate that a special use permit has been received from the Zoning Board. Any and all conditions imposed upon the applicant by the Zoning Board of Review shall become conditions of the license.

II. BASIS FOR DENIAL:

- A. All available licenses authorized under the limits established by these rules and regulations have been issued, and no license is currently available.
- B. Objection is made by owners of the greater part of the area within 200 feet of the premises where a Class B, C or I license is to be operated. (Rhode Island General Laws Section 3-7-19.) If the owner or owners of the majority of this area object, then the Council is without authority to issue the license. The area within 200 feet of the premises means the area within a line 200 feet distant from every side of the proposed premises.
- C. Objection is made by owners of less than the greater part of the area within 200 feet of the premises where the license is to be operated. The Council has discretionary authority to either issue or deny the license.
- D. Premises is located within 200 feet of a school or place of public worship. (Rhode Island General Laws Section 3-7-19.) The 200 foot measurement shall be made from that point of the proposed licensed place closest to the nearest improved point of the school or place of worship.
- E. The Council has general discretionary authority to deny a license based upon criteria which it has established and fairly applies. The following criteria have been established by the Town Council:
 - 1. Compliance with all Town Ordinances;

2. Citizen reaction to the application;
 3. Proximity of location to a residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 4. Impact on traffic;
 5. Parking;
 6. Impact on existing municipal services and requirement, if any, for new municipal services;
 7. Impact on Police Department;
 8. Whether license will be a major component of the business or an auxiliary use to an eating establishment;
 9. The history of operations at the premises for which a license is requested;
 10. Proportion of unsupervised patrons under 21 years of age;
 11. Effect on neighborhood real estate values;
 12. Qualification of the applicant to hold and operate the license;
 13. Such other health and safety factors as each individual application may present.
 14. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
- F. Failure of applicant to comply with the requirements of State law, including, but not limited to:
1. Applicant must be a citizen and resident of Rhode Island, except that licenses may be issued to corporations incorporated in other states of the United States if they are authorized to transact business in Rhode Island (Rhode Island General Laws Section 3-5-10).
 2. Corporate applicants with 25 stockholders or less must provide a list of the names and addresses of all stockholders, officers and members of the Board of Directors to the Town Council, and each person listed must be a suitable person to hold a license within the discretion of the Town Council (Rhode Island General Laws Section 3-5-10).

3. Failure of a corporation to report the acquisition of a 10% increase and any change of officer or directors within thirty (30) days (Rhode Island General Laws Section 3-5-10).
4. Applicant has a criminal record or repeated violations of the Alcoholic Beverage Laws (Rhode Island General Laws Section 3-5-10).

III. LICENSE RENEWAL APPLICATION:

- A. All licenses (except F and F-1) are issued for a period of not more than one (1) year and shall be renewable on December 1 each year in accordance with these Rules and Regulations and State law.
- B. License renewal applications shall be submitted on the same application form as an original application except that the application shall indicate that it is a renewal application. The license renewal applications should be submitted by October 1 to allow time for processing. Failure to submit a timely license renewal application shall be grounds for denying renewal of the license.
- C. The renewal applicant need not submit a new site plan provided that there is a site plan on file which accurately reflects the premises and the exact places on the premises where liquor is to be served and/or consumed. If there has been any change in the premises, including any changes to the places on the premises where liquor is to be served and/or consumed, failure to submit a new site plan with the renewal application shall be grounds for denial of the application or revocation of the license. Any change to the site plan which changes the places on the premises where liquor is either served or consumed must be approved by the Town Council in accordance with the procedures set forth in Section VII hereof.
- D. The full amount of the annual license fee must be submitted with the application plus a \$25 nonrefundable application processing fee (Rhode Island General Laws Section 3-7-6).
- E. Failure of the Town Council to act on a license renewal application, timely submitted and fully completed and executed, shall cause the existing license to be extended until such time as the Town Council acts on the application (Rhode Island General Laws Section 42-35-14).
- F. The holder of a license is entitled to have the license renewed, provided:
 1. The license renewal application is complete and timely submitted by October 1.

2. The applicant meets all the criteria for issuance of the initial license.
 3. The Town Council may refuse to renew the license for cause. Cause shall include:
 - a. One or more incidents of disorderly conduct within the licensed premises or outside the licensed premises if the conduct can be shown to have its genesis within the premises;
 - b. Failure to comply with State and local health and safety laws, codes, ordinances, rules and regulations;
 - c. Failure to comply with State and local alcoholic beverage laws, codes, rules and regulations;
 - d. Delinquency of applicant in payment of municipal taxes and user fees in accordance with Section 9-14 of the Town Code; and
 - e. Failure to furnish a Certificate of Good Standing from the Rhode Island Division of Taxation.
- G. Notice: On condition that there is no change to the site plan, including any changes to the places on the premises where liquor is to be served and/or consumed, it shall not be necessary to provide notice by mail to abutting landowners for renewal applications.
- H. Advertising: The license renewal application shall be advertised in a newspaper of local circulation. The advertisement shall provide the date and time of the meeting at which the renewal application shall be considered. Costs of the advertisement shall be paid for by the applicant at the time of submission of the renewal application.

IV. RELOCATION OR TRANSFER OF LICENSE:

- A. Relocation means moving the license to a new location; transfer means conveyance of the license to another person (Rhode Island General Laws Section 3-5-19).
- B. Notice: Notice of the application for relocation must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses nor for transfers to a new owners without relocation.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date. Costs of the advertisement shall be paid for by the applicant at the time of submission of the application.
- D. No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. If the debt is disputed, the transfer may be permitted upon the sworn statement of the licensee that the debt is disputed and the dispute is not being raised to facilitate the transfer (Rhode Island General Laws Section 3-5-19). Creditors cannot object to a transfer resulting from a proceeding in Bankruptcy, Receivership, Probate or other judicial process.
- E. No transfer to another person shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.
- F. No transfer to another person shall be permitted if there is a delinquency in payment of municipal taxes or user fees.
- G. The Town Council has general discretionary authority to deny relocations or transfers of a license based upon the same criteria which it has established for issuance of an original license.
 - 1. Criteria for Relocation Application:
 - a. Compliance with all Town Ordinances;
 - b. Citizen reaction to the application;
 - c. Proximity of location to residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 - d. Impact on traffic;
 - e. Parking;
 - f. Impact on existing municipal services and requirement, if any, for new municipal services;
 - g. Impact on Police Department;
 - h. Whether license will be a major component of the business at the new location or an auxiliary use to an eating establishment;

- i. The history of operations at both the old premises and the new premises for which a license is requested;
 - j. The anticipated proportion of unsupervised patrons under 21 years of age at new location;
 - k. Such other public health and safety factors as each individual application may present;
 - l. Effect on neighborhood real estate values;
 - m. Such other health and safety factors as each individual application may present.
 - n. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
2. Criteria for Transfer Application:
- a. Qualification of transferee to hold and operate the license;
 - b. Compliance with all Town Ordinances;
 - c. Such other public health and safety factors as each individual application may present;
 - d. Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. above shall also be applicable.

V. LICENSE RESTRICTIONS:

- A. The Town Council shall have the authority to impose restrictions upon a license, whether newly issued, renewed, transferred or relocated, provided the restrictions are designed to promote the reasonable control of alcoholic beverages.
- B. The Town Council shall have broad discretionary authority to impose restrictions which are generally applied to all liquor licenses or all licenses within a class. Restrictions applicable to all licenses include:
 - 1. No loud noise, music or other nuisance shall be permitted to annoy nearby residents, persons on adjoining properties, streets or sidewalks. The prohibited loud noises shall include but not be limited to the disposal of trash.

2. Generally, the sale of alcoholic beverages must be incidental to the sale of food.
3. Liability acceptance:
 - a. The applicant assumes all responsibility and liability which may result from the granting of the license;
 - b. Public safety officials who are hired to police the establishment are not liable or responsible for the checking of identification; it is solely the responsibility of the applicant;
 - c. The applicant acknowledges that the Town of Narragansett assumes no responsibility or liability by the granting of the license.
4. Any other conditions imposed by the Zoning Board of Review must be complied with by the licensee.
5. The Building, Electrical & Plumbing Inspectors and the Fire Marshall shall inspect the premises and issue their findings to the Town Council on the status of the premises. Applicants shall, before being issued a license or a renewal, correct any violations of the building, electrical, plumbing or fire codes which may exist.
6. A license must be posted in plain view and shown to any authorized person upon demand. Additionally, the licensee shall post the name of the Manager or person in charge of the licensed premises in plain view with the license at all times.
7. A telephone and toilets accessible to the public in good working order must be maintained by all holders of A, B, C and D licenses on the main floor within each licensed building.
8. No persons shall be admitted to the premises after the legal closing hour.
9. Minors shall not be allowed to loiter in or around the premises.
10. All patrons shall leave the licensed premises within one-half (1/2) hour after the required closing time, and all employees shall leave the licensed premises within one (1) hour after the required closing time. However, the owner and/or general manager of any establishment may enter or be in an establishment at any time for a legitimate business purpose; provided, however, that the owner or general manager must first inform the Police of his/her entering the licensed premises. Management and bona fide employees may not consume alcoholic beverages after patrons have left

the establishment. No employee shall be allowed on the premises for maintenance purposes earlier than two (2) hours before the legal opening time, and, during this period, there shall be no consumption of alcoholic beverages.

In the event of extenuating circumstances, and in accordance with Section 12-23 of the Town Ordinances, the above restrictions may be modified.

No alcoholic beverages shall be consumed by the licensee or employees after the required closing time.

No one, other than employees, police and enforcement personnel, shall be admitted to the premises after the required closing time.

These regulations are in addition to any state and/or Town laws and regulations to which all licenses are subject.

11. The licensed premises, associated parking, and outside areas and the conduct of patrons therein and thereon shall be efficiently and affirmatively supervised by the licensee so as to preclude the annoyances or disturbance of the public and persons residing the surrounding area and to ensure that no unlawful activity is engaged in by patrons, agents or employees.

Patrons shall not be allowed to congregate or remain in the associated parking or outside areas longer than is reasonably necessary for them to go to the licensed premises from their vehicles or to their vehicles from the licensed premises.

Patrons shall not be allowed to consume any alcoholic beverage in the associated parking areas or in any areas on the property other than the licensed premises as delineated on the site plan.

All fights or acts of violence or any violation of the laws of the State of Rhode Island or Town of Narragansett on the licensed premises or adjacent areas under the control of the licensee shall be reported immediately to the Police Department by the licensee.

No alcoholic beverages shall be removed from the licensed premises of a Class B, C or D licensee by any person.

12. At all times while the premises are occupied, police and other enforcement officials while on duty must be admitted and granted access to the entire licensed premises including the parking lot and associated areas surrounding the building.

13. No licensee or any agent, servant, employee or representative thereof shall in any way interfere with the official duties or activities of any police or other enforcement official. All licensees, their agents, servants, employees or representatives shall promptly identify themselves to any police or other enforcement official when requested to do so.
14. No licensee shall permit any ordinance of the Town of Narragansett to be violated on or within its premises by any agent, patron, servant, employee or representative thereof.
15. Parking areas and other outside areas associated with and used by the patrons and/or workers of the licensed premises shall be kept clean and free of litter.
16. The Town Council may, if it deems reasonably necessary for public health and safety, require a license holder to provide for police details at certain specified times. Any such details shall be subject to the terms and conditions contained in the Collective Bargaining Agreement between the Town and Local 303.
17. All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, and valet parking staff employed at a licensed establishment shall be required to hold a certification in Responsible Beverage Service Training. All licensees shall be required to demonstrate to the Town Clerk, at the time of filing for the initial granting of a license or at the time of filing for the renewal of a license, proof that all applicable employees hold the required certification.
18. License holders shall not permit the serving of minors nor shall they permit the serving of alcoholic beverages to persons who are so intoxicated that they cannot reasonably be expected to be responsible for their own safety or the safety of others.
19. Any attempt to utilize false identification must be immediately reported to the police.
20. A licensee may not require a patron to purchase more than one drink at a reduced price during a specific period of time.
21. A licensee shall not increase the alcoholic volume of a drink without proportionately increasing the price.
22. Open bars are prohibited. Open bar is defined as a fixed price for an unlimited number of drinks during a specified time.

23. No games or promotions concerning the consumption of alcoholic beverages are allowed on the premises or the awarding of alcoholic beverages for consumption on the premises.
 24. No licensee shall advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and/or free drink specials. This does not preclude advertising prices on menus or otherwise within the establishment.
 25. A licensee may not sell or deliver two or more drinks for a charge less than the price per drink multiplied by the number of drinks. (Ex.: "Two for One")
 26. Nothing contained herein shall be construed to prohibit licensee from offering free food or entertainment at any time.
 27. A licensee may include an alcoholic beverage (1 drink) as part of a meal package.
 28. A licensee may sell or deliver wine by the bottle or carafe when sold with meals or to more than one (1) person.
 29. Wine tastings are permitted pursuant to Title 3 of the Rhode Island General Laws.
- C. All licensees shall comply strictly with the above conditions. Violations shall be considered cause for suspension or revocation of the license.
- D. Restrictions imposed upon a particular license, not generally applicable to all licenses, should be reasonably supported by competent evidence presented to the Town Council or agreed to by the licensee. Restrictions that may be imposed include, but are not limited to:
1. Reduced hours of operation.
 2. Entertainment restrictions.
 3. Alcoholic beverage service with the service of a meal only.
 4. The service or drinking of alcoholic beverages may be restricted to tables.
 5. Limitations on seating capacity.
 6. Requiring that alcoholic beverages be only served from a service bar.

7. Restricting the area of the premises where alcohol may be served and/or consumed.

VI. REVOCATIONS AND FINES:

- A. The Town Council may revoke or suspend any license that it has issued or impose a fine up to \$500 for a first offense and \$1,000 for a second offense, if:
 1. The license holder has breached any express condition imposed on the license.
 2. The license holder has violated the provisions of State law concerning alcoholic beverages, including but not limited to the rules and regulations issued by the Liquor Control Administration and/or the Department of Business Regulation.
 3. The license holder has violated the provisions of these Rules and Regulations or any applicable Town Ordinances.
- B. Hearing: Prior to the revocation or suspension of a license or the imposition of a fine, the Town Council shall send notice by mail to the licensee and give the licensee the opportunity to show cause why the license should not be suspended or revoked or why a fine should not be imposed. The notice shall provide:
 1. The factual basis for the revocation, suspension or fine;
 2. The date on which the show cause hearing is to be held.

If the Town Council finds that the public health, safety or welfare requires immediate suspension or revocation, it may suspend or revoke the license and promptly provide the licensee with a hearing.

VII. EXPANSION OF LIQUOR SERVICE:

- A. The Town Council specifically reserves the right to limit the area on the premises where liquor may be served and/or consumed.
- B. To expand the area wherein alcoholic beverages may be served and/or consumed beyond that authorized in the existing license, the license holder must:
 1. First, obtain, if applicable, the approval of the Zoning Board to expand the special use permit to serve and/or consume in the expanded area. All applicable requirements of the Zoning Ordinance with regard to special use permits shall apply.

2. Obtain the approval of the Town Council to expand the premises wherein service and/or consumption of alcoholic beverages is authorized.
- C. To obtain approval from the Town Council for the expansion of liquor service, the license holder must submit a new license application, with a new written description and site plan. A public hearing shall be held. Notice in accordance with Sections I(B) and (C) shall be given. The criteria applicable to a new license shall apply to an expansion.

VIII. COMPLIANCE WITH CONDITIONS OF APPROVAL:

Unless a longer period is authorized by the Town Council, when any license application, including renewals, transfers or relocations, is approved by the Town Council subject to certain actions or conditions being complied with by the licensee, all such actions or conditions shall be complied with and fulfilled no later than thirty (30) days after date of the vote of the Town Council. Examples of these conditions or actions are the payment of taxes, the obtaining of a Certificate of Occupancy or the completion of a closing. If the licensee fails to comply and does not pay all required fees and expenses within the thirty-day period, then the approval of the Town Council shall be automatically rescinded.

IX. NUMBER OF ALCOHOLIC BEVERAGE LICENSES:

- A. In accordance with the authority granted to it by Rhode Island General Laws Section 3-5-16, the Town Council may set limits on the number of alcoholic beverage licenses available within the Town.
- B. Annually, in the month of February, the Town Council may, in its discretion, vote to increase the number of authorized licenses in any class so as to give interested persons the opportunity to apply for an alcoholic beverage license. If the Town Council decides to consider increasing the number of authorized licenses, it shall in the month of December direct the Town Clerk to advertise in the first week of January the fact that the Town Council is considering increasing the number of authorized licenses. The notice shall require all interested parties to submit an application and all of the material required under Section I hereof not later than February 10.
- C. At the second regular meeting of the Town Council in the month of February, the Town Clerk shall provide to the Town Council copies of all applications received. The Town Council may then, in its discretion, vote to increase the number of authorized licenses by the number of applications received. If the Town Council votes to increase the number of authorized licenses, then the following provisions shall apply:

1. The Town Council shall schedule public hearings in accordance with Section I hereof for all applicants who have in a timely manner submitted a completed application and all of the required material.
2. Unless otherwise agreed to by the Town Council, only two public hearings per Council meeting shall be scheduled. Hearings will be scheduled in the order in which completed applications were filed in the Town Clerk's office. At the close of each public hearing, the Town Council in its discretion may either vote on the application or defer decision until a later date. After all of the public hearings are completed and decisions rendered, the Town Council shall if necessary reduce the number of authorized licenses to an amount equal to the number of approved licenses.
3. The Town Council may deny any application for any of the reasons set forth in Section II hereof.
4. Notwithstanding any provisions to the contrary, the Town Council reserves the right to refuse to schedule a public hearing for any applicant who does not comply with the provisions of State law, Town Ordinances or these Regulations.
5. The terms of this section are not meant to and do not preclude the Town Council from raising the number of authorized licenses and scheduling public hearings at other times during the year if the need arises. For the year 1997, the time frames set forth in Sections A and B hereof shall be adjusted, based upon the date of adoption of these Rules and Regulations.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: _____

Amend No. _____

**Date Prepared: May 22, 2020
Council Meeting Date: June 1, 2020**

TO: James R. Tierney, Town Manager

FROM: Theresa C. Donovan, CMC, Town Clerk

SUBJECT: Public Hearing for a New Class BV-Limited Alcoholic Beverage License at
1 Angell Road, Narragansett, RI

RECOMMENDATION:

That the Town Council holds a public hearing on the application of Roy and Mary Jennings for a new Class B-Victualler-Limited Alcoholic Beverage License at Assessor's Plat K, Lot 198, 1 Angell Road, Unit #D, Narragansett, RI.

SUMMARY:

The applicants are seeking a new Class B-Victualing-Limited liquor license at 1 Angell Road, Unit #D, Assessor's Plat K, Lot 198, which would allow the service of beer and wine to customers while dining at the restaurant. The public hearing on this transfer application was originally scheduled and advertised for April 6. Due to the COVID-19 emergency, the Town Council met on March 30 and announced the postponement of the hearing until June 1, 2020 at 8:00 PM.

On December 3, 2019 the applicant received final approval from the Zoning Board of Review for a special use permit to allow the sale of beer and wine in conjunction with the service of food at this location, with four (4) stated restrictions.

Currently, there are six (6) active BV-Limited licenses in Narragansett. Approval of this application would bring to total to seven (7).

The following criteria have been established by the Town Council:

1. Compliance with all Town Ordinances;
2. Citizen reaction to the application;
3. Proximity of location to a residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
4. Impact on traffic;
5. Parking;
6. Impact on existing municipal services and requirement, if any, for new municipal services;
7. Impact on Police Department;

8. Whether license will be a major component of the business or an auxiliary use to an eating establishment;
9. The history of operations at the premises for which a license is requested;
10. Proportion of unsupervised patrons under 21 years of age;
11. Effect on neighborhood real estate values;
12. Qualification of the applicant to hold and operate the license;
13. Such other health and safety factors as each individual application may present.
14. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.

Subsequent to the public notice by advertisement and abutter mailing, the applicants have indicated they will be doing business as Hook, Line and Pizza instead of J Cove.

ATTACHMENTS:

1. Initial and supplementary advertisements
2. Request to change business name
3. Verification of abutter notification
4. Class B-V-L License Application
5. BCI report
6. Site plan
7. Zoning Board of Review special use permit decision letter
8. Rules



**TOWN OF
NARRAGANSETT
PUBLIC HEARING
ALCOHOLIC
BEVERAGE LICENSE**

The Narragansett Times

March 20, March 27 and April 3, 2020.

NOTICE is hereby given by the Town Council of the Town of Narragansett, it being the Licensing Board of said Town, that the following named petitioner has applied for a Class BV Limited Alcoholic Beverage License under the provisions of Title 3 of the General Laws of Rhode Island, 1956, and amendments thereto, for their respective place of business hereinafter set forth, viz:

**Roy and Mary Jennings
d/b/a/ J Cove
1 Angell Road
Plat K, Lot 198
Narragansett RI**

Remonstrants are entitled to be heard before the granting of said License, and the Licensing Board will give such remonstrants a fair opportunity to make their objections before acting upon said application.

The above-named application will be in order for hearing at **8:00 P.M., MONDAY, APRIL 6, 2020** at the Narragansett Town Hall, 25 Fifth Avenue, at which time and place all persons so desiring may be heard.

Individuals requesting interpreter services for the hearing impaired must call 782-0621, seventy-two (72) hours in advance of the meeting date.

By Order of the Town
Council
Theresa C Donovan, CMC
Town Clerk

The Narragansett Times

April 24 and May 1, 2020.

**TOWN OF NARRAGANSETT
NOTICE OF RESCHEDULED PUBLIC HEARINGS**

During a Special Town Council Meeting on March 30, 2020, several scheduled public hearings were rescheduled due to the COVID-19 State of Emergency.

The public hearing schedule is now as follows:

- School, Municipal and Capital Improvement Plan Budgets: Monday, May 4 at 8:00 PM (first public hearing) (*originally March 23/School and April 6/Municipal & CIP*)
- Bulk Zoning Ordinance Amendments: **Tuesday, May 26 at 7:30 PM** (*originally March 30*)
- Liquor Licenses (3): Monday, June 1 at 8:00 PM (*originally April 6*)
 - Transfer: Buster Krab's, 265 Great Island Road
 - Transfer: Proof, 140 Pt. Judith Road, Suite A-5
 - New: J Cove, 1 Angell Road
- Harbor Management Plan and related ordinances: June 15 at 8:00 PM (*originally April 20*)
- Recreational Vehicle Height: July 6 at 8:00 PM (*originally April 6*)

This schedule is subject to change, based upon ongoing emergency circumstances. The hearings will be conducted in accordance with any state or local executive orders that are in place on the date of the meeting. If gatherings are still limited, remote participation instructions will be printed on each meeting notice. Please contact Narragansett Town Clerk for further information: tdonovan@narragansettri.gov or 401-782-0621.

By Order of the Town Council
Theresa C. Donovan, CMC • Town Clerk

May 27, 2020

To:
Town of Narragansett
25 Park Avenue
Narragansett, RI 02882

Attn: Teri Donovan

From:
Roy Jennings
1 Angell Road
Narragansett, RI 02882

We are in the early stages of opening a new restaurant.

Location:
1 Angell Road Unit D
Narragansett, RI 02882

At the time I applied for the application the name of the business was uncertain.
Therefore, I put down the sign name of J Cove.

Please change the name from D/B/A J Cove to the new name of
Hook, Line & Pizza.

Thank you,

Roy Jennings

A handwritten signature in black ink, appearing to read "Roy Jennings", written over the printed name.

HOLMDEL
 10 CRAWFORDS CORNER RD
 HOLMDEL, NJ 07733-9998
 333705-0382
 (800)275-8777
 05/18/2020 04:01 PM

Product	Qty	Unit Price	Price
First Class Mail® Letter (Domestic) (NARRAGANSETT, RI 02882) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809378)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256429308698356)			\$2.85
First-Class Mail® Letter (Domestic) (PALM COAST, FL 32164) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Friday 05/22/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809361)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256429308698363)			\$2.85
First-Class Mail® Letter (Domestic) (NARRAGANSETT, RI 02882) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809354)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256429308698370)			\$2.85
First-Class Mail® Letter (Domestic) (NORTH PROVIDENCE, RI 02911) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809347)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256379308830426)			\$2.85
First-Class Mail® Letter (Domestic) (EAST LONGMEADOW, MA 01026) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809330)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256379308830433)			\$2.85
First-Class Mail® Letter (Domestic) (NARRAGANSETT, RI 02882) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809323)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256379308830440)			\$2.85
First-Class Mail® Letter (Domestic) (NARRAGANSETT, RI 02882) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809316)			\$3.55
Return Receipt (USPS Return Receipt #) (9590940256379308830457)			\$2.85
First-Class Mail® Letter (Domestic) (CRANSTON, RI 02920) (Weight: 0 Lb 0.40 Oz) (Estimated Delivery Date) (Thursday 05/21/2020)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (7019112000080809309)			\$3.55
Return Receipt (USPS Return Receipt #)			\$2.85

First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(NARRAGANSETT, RI 02882)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
(7019112000080809293)			
Return Receipt			\$2.85
(USPS Return Receipt #)			
(9590940256379308630471)			
First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(NARRAGANSETT, RI 02882)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
(7019112000080809266)			
Return Receipt			\$2.85
(USPS Return Receipt #)			
(9590940256379308830488)			
First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(NORTH SCITUATE, RI 02857)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
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(USPS Return Receipt #)			
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First-Class Mail®	1	\$0.55	\$0.55
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(Domestic)			
(MANCHESTER, CT 06042)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
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First-Class Mail®	1	\$0.55	\$0.55
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(Domestic)			
(KINGSTON, MA 02364)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
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First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(CRANSTON, RI 02920)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
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(9590940256429308691616)			
First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(WARWICK, RI 02889)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
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Return Receipt			\$2.85
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First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(NARRAGANSETT, RI 02882)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
(7019112000080809217)			
Return Receipt			\$2.85
(USPS Return Receipt #)			
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First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(NARRAGANSETT, RI 02882)			
(Weight: 0 Lb 0.40 Oz)			
(Estimated Delivery Date)			
(Thursday 05/21/2020)			
Certified			\$3.55
(USPS Certified Mail #)			
(7019112000080809194)			
Return Receipt			\$2.85
(USPS Return Receipt #)			
(9590940256429308698318)			
First-Class Mail®	1	\$0.55	\$0.55
Letter			
(Domestic)			
(SLATERSVILLE, RI 02876)			

(Estimated Delivery Date)
(Thursday 05/21/2020)
Certified \$3.55
(USPS Certified Mail #)
(70191120000080809231)
Return Receipt \$2.85
(USPS Return Receipt #)
(9590940256429308691623)

Total: \$125.10

Debit Card Remit'd \$125.10
(Card Name:VISA)
(Account #:XXXXXXXXXX0796)
(Approval #)
(Transaction #:816)
(Receipt #:006029)
(Debit Card Purchase:\$125.10)
(Cash Back:\$0.00)
(AID:A0000000980840 Chip)
(AL:US DEBIT)
(PIN:Verified)

Text your tracking number to 28777
(2USPS) to get the latest status.
Standard Message and Data rates may
apply. You may also visit www.usps.com
USPS Tracking or call 1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
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Refunds for guaranteed services only.
Thank you for your business.

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Go to:
<https://postalexperience.com/Pos>

840-5088-0027-001-00019-04501-02

or scan this code with
*your mobile device:



or call 1-800-410-7420.

YOUR OPINION COUNTS

Receipt #: 840-50880027-1-1904501-2
Clerk: 15

STATE OF RHODE ISLAND

TOWN OF NARRAGANSETT

BOARD OF LICENSE COMMISSIONERS
APPLICATION FOR LIQUOR LICENSE

RETAILER CLASS: A ___ BH ___ BM ___ BT ___ BV ___ BVL ___ C ___ E ___ ED ___ J ___ T ___

Business Structure: Corporation Partnership LLC Individual

Roy & Mary Jennings
Name of Applicant/Corporation

To be determined
D/B/A

1 Ansell Road - Narragansett RI 02887
Address of Premise

Phone Number of Business _____ Email Address Rmj123@aol.com

State - Incorporated: _____ Date of Incorporation: _____

Name, Address, Telephone of all Officers/Members with percentage ownership:

President/Member Name	Address	Phone	% Ownership
Vice President/Member Name	Address	Phone	% Ownership
Secretary/Member Name	Address	Phone	% Ownership
Treasurer/Member Name	Address	Phone	% Ownership

Name and Address of All Directors or Board Members, with percentage ownership:

Name	Address	Phone	% Ownership
Name	Address	Phone	% Ownership
Name	Address	Phone	% Ownership

If application is on behalf of undisclosed principal or party, please give details:

N/A

Does Applicant Own Premises? Yes No ___ Is Property Mortgaged? Yes ___ No or Leased? Yes ___ No

Give Name and Address of Mortgagee or Lessee and Amount of Extent

Name	Address	Amount - Term
<u>N/A</u>		

Has any Applicant, Officer, Member or Stockholder ever been arrested or convicted of a crime? Yes ___ No If yes, explain:

Is any other business to be conducted within Licensed Premises? Yes No ___ If yes, explain:
2 retail stores + a deli - All close no later than 10pm

Does Applicant or any Officer, Member or Stockholder have an interest, direct or indirect, as principle or associate, or in any manner whatsoever, in any retail license issued under Title 3 of the RI General Laws? If yes, explain:
no

Is Applicant the owner or operator of any other business? If yes, explain:
owner of deli

State amount of capital invested in the business connected to this application.
150K

Do you have now, or will you be installing, a draught system? Yes ___ No

I hereby certify that the above statements are true to the best of my knowledge and belief:
Mary Gunning 2/17/20
Applicant Signature Date

1. Every question on Application Form must be answered. Any false statement made by the Applicant will be sufficient grounds for the denial of the application, or the revocation of the license in the event one has been granted.
2. A corporation having 25 or more stockholders need not file a list of the names and addresses of stockholders.
3. Attention is called to the requirements of RIGL §3-5-10:
 - a) All newly elected officers, members, or directors must be reported to the Board of License Commissioners within 30 days.
 - b) Any acquisition by any person of more than ten per cent (10%) of any class of corporate stock must be reported within 30 days.
 - c) Any transfer of fifty percent (50%) or more of any class of corporate stock can be made only by written application to the licensing board, and is subject to the procedures for a transfer of license.

APPLICATION FOR TRANSFER OF LICENSE ONLY

Select one: Transfer of Location _____ Name _____ Stock _____ Current Retail Class _____

Name of Transferor (applicant/current owner) _____

d/b/a _____

Address _____

The above hereby petitions the Licensing Board to transfer the said license to:

New Location (If any): _____

New Name (If any): _____

If change of stockholders, list old and new stockholders:

Signature of Transferor (current owner) _____ Date _____ Signature of Transferee (new owner) _____ Date _____

State of Rhode Island and Providence Plantations
OFFICE OF THE ATTORNEY GENERAL
150 South Main Street Providence, RI 02903
(401) 274-4400
Peter F. Neronha
Attorney General



B.C.I.

BUREAU OF CRIMINAL IDENTIFICATION

Date: FEBRUARY 10 2020

TO WHOM IT MAY CONCERN:

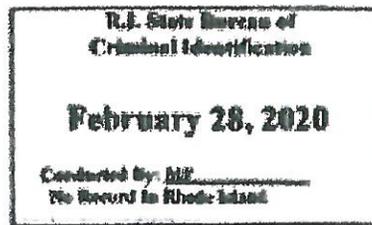
A check of the Criminal History Records of the State of Rhode Island on file with the Bureau of Criminal Identification of the Rhode Island Office of the Attorney General on the above date shows that:

NAME: ROY JENNINGS D.O.B. [REDACTED]

DOES **NOT** HAVE AN ADULT CRIMINAL RECORD AT THE BUREAU OF CRIMINAL IDENTIFICATION IN RHODE ISLAND

RECORDS SUPPORTED BY FINGERPRINT ONLY

THIS FORM IS NOT VALID WITHOUT THE SEAL OF THE ATTORNEY GENERAL.



NO ADULT CRIMINAL RECORD IN RHODE ISLAND
THIS REPORT DOES NOT REFLECT FEDERAL CONVICTIONS OR
CONVICTIONS IN OTHER STATES, IF ANY



TOWN OF NARRAGANSETT
Town Hall • 25 Fifth Avenue • Narragansett, RI 02882
Tel. (401)782-0603 Fax (401)783-9637

Date 2/7/20

PLEASE ILLUSTRATE BELOW THE NUMBER OF BARS IN YOUR ESTABLISHMENT AND LOCATION OF SAME.

Please see attached restaurant layout

BUSINESS NAME: TBD

SIGNATURE: Mary Jennings

A

Designed with
LARRY D. KING
ARCHITECT
40 Main St
Horseneorge
MA 01701



1 ANGELL RESTAURANT AREA

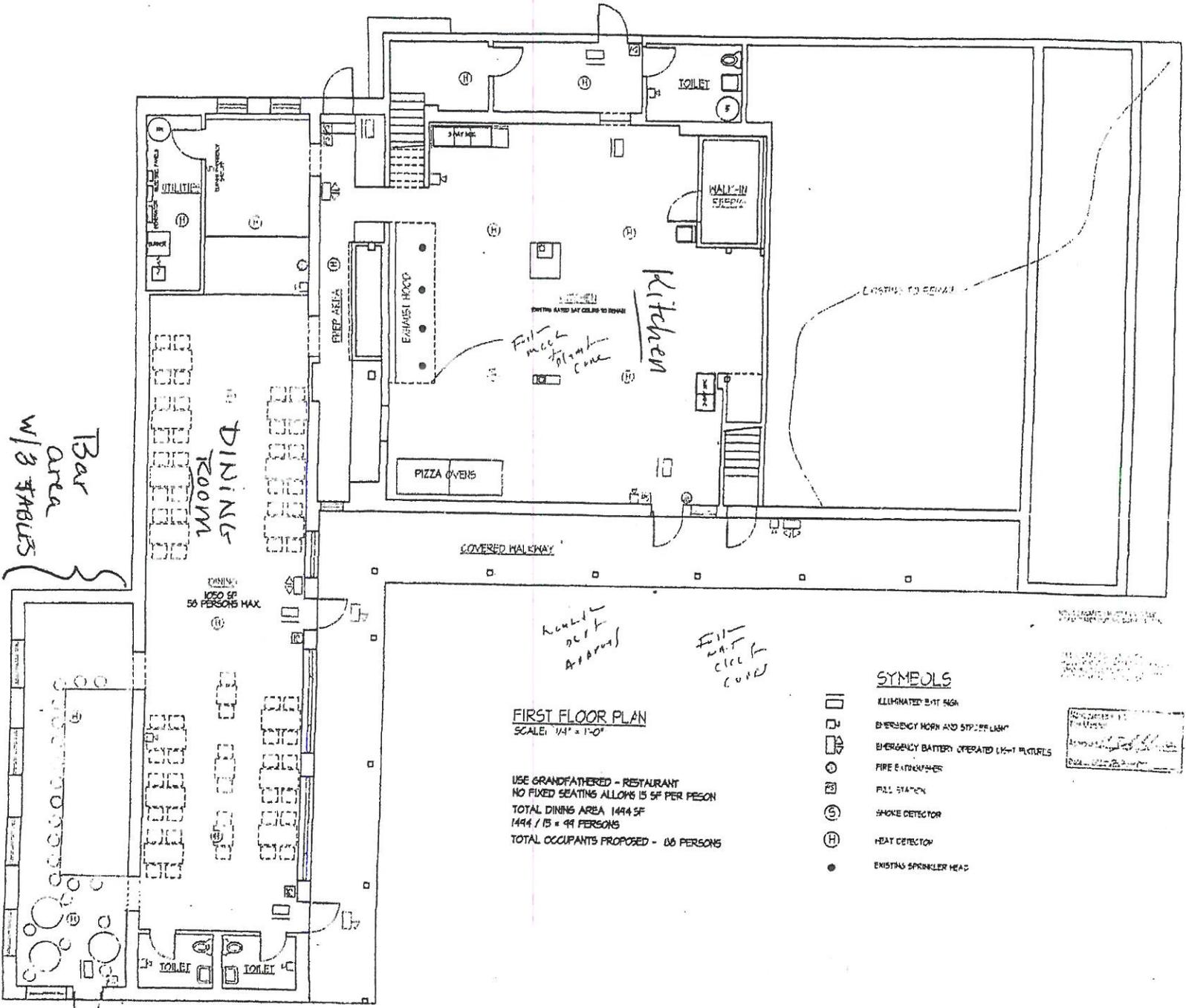
ROY LEMINGS RESTAURANT
1 ANGELL ROAD
HARRISBURT

FIRST
FLOOR PLAN

4 COVERED 23

SCALE: AS SHOWN
CONSTRUCTION
DATE: 11/15/01

A1



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

USE GRANDFATHERED - RESTAURANT
NO FIXED SEATING ALLOWS 15 SF PER PERSON
TOTAL DINING AREA 1444 SF
1444 / 15 = 99 PERSONS
TOTAL OCCUPANTS PROPOSED - 66 PERSONS

SYMBOLS

- ☐ ILLUMINATED EXIT SIGN
- ☐ EMERGENCY NOB AND SWITCH LIGHT
- ☐ EMERGENCY BATTERY OPERATED LIGHT PICTURES
- ☐ FIRE EXTINGUISHER
- ☐ PULL STATION
- ☐ S SMOKE DETECTOR
- ☐ H HEAT DETECTOR
- EXISTING SPRINKLER HEAD

Bar
Area
w/ 3 TABLES

DINING
ROOM

PIZZA OVENS

Kitchen

WALK-IN
FREEZER

TOILET

PREP AREA

EXHAUST HOOD

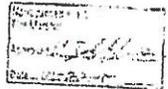
COVERED WALKWAY

REMOVE
DECK
AND
STAIRS

Fill
with
concrete

EXISTING TO BE REMOVED

EXISTING WALLS TO REMAIN





TOWN OF NARRAGANSETT
DEPARTMENT OF COMMUNITY DEVELOPMENT
25 FIFTH AVENUE ~ NARRAGANSETT, RI 02882

December 3, 2019

Mary & Roy Jennings
514 West Nutswamp Road
Holmdel, NJ 07733

RE: Zoning Decision
1 Angel Road
Assessor's Plat 'K', Lot '198'

Dear Mr. & Mrs. Jennings:

A Zoning Application for the above-referenced property was presented before the Zoning and Platting Board of Review ("the Board") for relief under Chapter 731 of the Code of Ordinances of the Town of Narragansett entitled "Zoning", specifically a Special Use Permit from the Table of Use Regulations (Section 6.1): Use Code 5817 for the expansion of a legally nonconforming full service restaurant to allow sale of beer and wine in a B-A Zoning District.

A Public Hearing associated with this application was held on November 21, 2019 with a decision being rendered at that time.

FINDINGS OF FACT

Based on the information presented during the Public Hearing and the testimony given, a motion was made by Mr. Robert Ferraro, duly seconded by Mr. Joseph Paglia, to adopt following findings of fact from the Planning Board Project Summary dated October 16, 2019:

Existing Conditions:

- Lot 134 is approximately 13,074 square feet and is currently occupied by a mixed use shopping center with restaurant spaces, commercial spaces and residential spaces.

Proposed improvements:

- I. Obtain a Special Use Permit to allow the sale of beer and wine in the establishment.
 - No footprint expansion or modification of the existing structure's exterior.
 - No additional seating is being proposed.
- A. The proposed improvements associated with this project are reflected on the a Site plan dated March 5, 2017 received by the Office of Community Development September 9, 2019 and Floor and Elevation Plans dated October 4, 2017 received by the Office of Community Development September 9, 2019 that were received for this application.
- B. Lot 134 is approximately 13,074 square feet and is is located in a B-A Zoning District. This project is not proposing any change in footprint.
- C. Lot 134 is serviced by Town water and sewer.
- D. The Building Official considers the lack of parking to be a grandfathered right since there is no change in use or density on the property and no external modifications.

- E. During the building review process, it was determined that Supplementary Drainage (Section 7.7) was not required.*
- F. The project complies with Section 7.9 of the Zoning Ordinance as the Building Official determined that there is no expansion in use and the current parking defecate is acceptable because it was grandfathered in by use and application proposes no expansion of the footprint or any additional seating in the establishment.*
- G. The future land use designation of this property is "120 – Commercial Services". The project, as proposed, complies with the Land Use component of the Comprehensive Plan.*

In addition to the above, the following findings were made based on testimony during this Public Hearing:

- H. Amanda Jennings, daughter of the owners Roy and Mary Jennings explained that the restaurant would be open 11am to 10pm and business would be seasonal. She explained that the installation of the bar would drop seating in that room from 30 seats to 21 seats.
- I. Mr. Paglia inquired about seating outdoors in which Amanda Jennings responded that there is no intention to serve alcohol outdoors.
- J. During the November 21, 2019 Public Hearing, no proponents spoke in favor of this application.
- K. During the November 21, 2019 Public Hearing, no opponents testified against this application.
- L. That the Planning Board found this application to be Complete and in Conformance with the Comprehensive Plan (motion passed 5-0) and a motion was made to recommend approval of the application subject to conditions (motion passed 4-0).

The motion passed 5-0 (Anthony Brunetti; Joseph Paglia; James Manning; Robert Ferraro; John Kennedy).

RELIEF REQUESTED:

Table of Use Regulations (Section 6.1): Use Code 5817 for the expansion of a legally nonconforming full service restaurant to allow sale of beer and wine in a B-A Zoning District.

Special Use Permit

DECISION:

Based on the Findings of Fact expert testimony and information presented during the Public Hearing, the Board concludes that granting the requested relief would enhance the area with no detrimental effect on public safety; and in accordance with Section 11 and Section 12 of the Zoning Ordinance, the Zoning Board finds that this project meets the following standards:

Special Use Permits

1. That the use will comply with all applicable requirements and development and performance standards of Section 4 and Section 7 of the Zoning Ordinance;
2. That the use will be in harmony with the general purpose and intent of this ordinance and the Comprehensive Plan of the Town of Narragansett;

3. That the granting of the Special Use Permit will substantially serve the public convenience and welfare;
4. That the use will not result in or create conditions inimical to the public health, safety, morals, and general welfare;
5. That it will not substantially or permanently injure the appropriate use of surrounding property;
6. In addition to the above, the following should be taken into consideration:
 - a. Access to air, light, views, and solar access.
 - b. Public access to water bodies, rivers and streams.
 - c. The conservation of energy and energy efficiency.

Variances

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan of the town of Narragansett upon which the zoning ordinance is based; and
4. That the relief to be granted is the least relief necessary

The applicant has shown (by evidence upon the record) that:

1. The hardship that will be suffered by the owner, if variance is not granted, amounts for more than a mere inconvenience.
2. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

In granting a variance in conjunction with a special use permit in an overlay district, the Zoning Board must also make specific findings of fact defining any environmentally sensitive feature(s) to be protected and the manner in which the granting of the special use permit and variance will enhance the protection of the environmentally sensitive feature(s).

In addition to the above, the Zoning Board of Review has considered the following in their decision:

- Access to air, light, views, and solar access.
- Public access to water bodies, rivers and streams.
- The conservation of energy and energy efficiency.

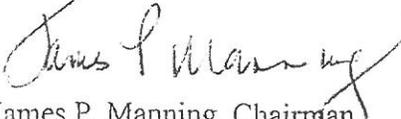
A motion was made by Mr. Robert Ferraro, duly seconded by Mr. Joseph Paglia, to grant the requested relief, with the following conditions:

1. That the consumption of beer and wine is limited to the indoor dining area.
2. That the project complies with all Rhode Island State Building Code standards and all local building code requirements.
3. That all renovations are in substantial conformance with the floor plan that was submitted with this application.
4. That there is no increase in capacity than what was previously approved.

The motion passed 5-0 (Anthony Brunetti; Joseph Paglia; James Manning; Robert Ferraro; John Kennedy).

This Special Use Permits shall expire two (2) years from the date of granting by the Board unless the applicant exercises the permission granted or receives a building permit to do so and commences construction and diligently prosecutes the construction until completed. In the event that an approval is granted by the Zoning Board of Review which is conditioned upon or requires approval from a state or federal agency which would regulate the constructing being approved, the two (2) year approval period shall not commence until the applicant has received all of such approvals.

Sincerely,



James P. Manning, Chairman
Zoning and Platting Board of Review

FOR RECORDING PURPOSES ONLY

RECORDED FOR DEEDS
DEC 18 2019 10:00 AM
JENNINGS, C. CHAIRMAN
BY: [illegible]
[illegible]

LIQUOR LICENSE RULES AND REGULATIONS

I. NEW LICENSE APPLICATIONS:

A. Application:

1. An application form must be obtained from the Town Clerk, be fully completed, and returned to the Town Clerk with the application processing fee and all required documentation to include:
 - a. Site Plan
 - b. Receipt of a Special Use Permit from the Zoning Board of Review.
2. The application forms to be used are contained in Appendix A and are specifically made part of these rules and regulations.
3. A nonrefundable application processing fee of \$25 will be charged for every application.
4. The application must contain a brief written description of the premises sufficient to identify the specific location, within the building and/or on the property grounds where liquor is to be served and/or consumed. A site plan, drawn to an acceptable engineering scale and accurately presenting all required data must be submitted with, and as part of, the license application. The site plan shall contain:

Parcel identification (Tax Assessor's Map and Lot).

Property ownership.

Zoning Classification.

Identification of all special exceptions, variances, and other legally authorized deviations from the Zoning Ordinance with dates of authorization including special exceptions granted for the expansion of existing uses.

Identification of exact premises within the building and/or grounds where liquor is to be served and/or consumed.

Identification of all property owners within 200 feet of any point of the premises where liquor is to be served and/or consumed.

- B. Notice: Notice of the application must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice

is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date.
- D. Costs: The applicant shall be responsible for paying all costs for the notice, advertising and stenographer.
- E. Special Exception: Liquor service is permitted under the Zoning Ordinance only by special use permit. Prior to any hearing on the application for a license, the applicant must demonstrate that a special use permit has been received from the Zoning Board. Any and all conditions imposed upon the applicant by the Zoning Board of Review shall become conditions of the license.

II. BASIS FOR DENIAL:

- A. All available licenses authorized under the limits established by these rules and regulations have been issued, and no license is currently available.
- B. Objection is made by owners of the greater part of the area within 200 feet of the premises where a Class B, C or I license is to be operated. (Rhode Island General Laws Section 3-7-19.) If the owner or owners of the majority of this area object, then the Council is without authority to issue the license. The area within 200 feet of the premises means the area within a line 200 feet distant from every side of the proposed premises.
- C. Objection is made by owners of less than the greater part of the area within 200 feet of the premises where the license is to be operated. The Council has discretionary authority to either issue or deny the license.
- D. Premises is located within 200 feet of a school or place of public worship. (Rhode Island General Laws Section 3-7-19.) The 200 foot measurement shall be made from that point of the proposed licensed place closest to the nearest improved point of the school or place of worship.
- E. The Council has general discretionary authority to deny a license based upon criteria which it has established and fairly applies. The following criteria have been established by the Town Council:
 - 1. Compliance with all Town Ordinances;

2. Citizen reaction to the application;
 3. Proximity of location to a residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 4. Impact on traffic;
 5. Parking;
 6. Impact on existing municipal services and requirement, if any, for new municipal services;
 7. Impact on Police Department;
 8. Whether license will be a major component of the business or an auxiliary use to an eating establishment;
 9. The history of operations at the premises for which a license is requested;
 10. Proportion of unsupervised patrons under 21 years of age;
 11. Effect on neighborhood real estate values;
 12. Qualification of the applicant to hold and operate the license;
 13. Such other health and safety factors as each individual application may present.
 14. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
- F. Failure of applicant to comply with the requirements of State law, including, but not limited to:
1. Applicant must be a citizen and resident of Rhode Island, except that licenses may be issued to corporations incorporated in other states of the United States if they are authorized to transact business in Rhode Island (Rhode Island General Laws Section 3-5-10).
 2. Corporate applicants with 25 stockholders or less must provide a list of the names and addresses of all stockholders, officers and members of the Board of Directors to the Town Council, and each person listed must be a suitable person to hold a license within the discretion of the Town Council (Rhode Island General Laws Section 3-5-10).

3. Failure of a corporation to report the acquisition of a 10% increase and any change of officer or directors within thirty (30) days (Rhode Island General Laws Section 3-5-10).
4. Applicant has a criminal record or repeated violations of the Alcoholic Beverage Laws (Rhode Island General Laws Section 3-5-10).

III. LICENSE RENEWAL APPLICATION:

- A. All licenses (except F and F-1) are issued for a period of not more than one (1) year and shall be renewable on December 1 each year in accordance with these Rules and Regulations and State law.
- B. License renewal applications shall be submitted on the same application form as an original application except that the application shall indicate that it is a renewal application. The license renewal applications should be submitted by October 1 to allow time for processing. Failure to submit a timely license renewal application shall be grounds for denying renewal of the license.
- C. The renewal applicant need not submit a new site plan provided that there is a site plan on file which accurately reflects the premises and the exact places on the premises where liquor is to be served and/or consumed. If there has been any change in the premises, including any changes to the places on the premises where liquor is to be served and/or consumed, failure to submit a new site plan with the renewal application shall be grounds for denial of the application or revocation of the license. Any change to the site plan which changes the places on the premises where liquor is either served or consumed must be approved by the Town Council in accordance with the procedures set forth in Section VII hereof.
- D. The full amount of the annual license fee must be submitted with the application plus a \$25 nonrefundable application processing fee (Rhode Island General Laws Section 3-7-6).
- E. Failure of the Town Council to act on a license renewal application, timely submitted and fully completed and executed, shall cause the existing license to be extended until such time as the Town Council acts on the application (Rhode Island General Laws Section 42-35-14).
- F. The holder of a license is entitled to have the license renewed, provided:
 1. The license renewal application is complete and timely submitted by October 1.

2. The applicant meets all the criteria for issuance of the initial license.
3. The Town Council may refuse to renew the license for cause. Cause shall include:
 - a. One or more incidents of disorderly conduct within the licensed premises or outside the licensed premises if the conduct can be shown to have its genesis within the premises;
 - b. Failure to comply with State and local health and safety laws, codes, ordinances, rules and regulations;
 - c. Failure to comply with State and local alcoholic beverage laws, codes, rules and regulations;
 - d. Delinquency of applicant in payment of municipal taxes and user fees in accordance with Section 9-14 of the Town Code; and
 - e. Failure to furnish a Certificate of Good Standing from the Rhode Island Division of Taxation.
- G. Notice: On condition that there is no change to the site plan, including any changes to the places on the premises where liquor is to be served and/or consumed, it shall not be necessary to provide notice by mail to abutting landowners for renewal applications.
- H. Advertising: The license renewal application shall be advertised in a newspaper of local circulation. The advertisement shall provide the date and time of the meeting at which the renewal application shall be considered. Costs of the advertisement shall be paid for by the applicant at the time of submission of the renewal application.

IV. RELOCATION OR TRANSFER OF LICENSE:

- A. Relocation means moving the license to a new location; transfer means conveyance of the license to another person (Rhode Island General Laws Section 3-5-19).
- B. Notice: Notice of the application for relocation must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses nor for transfers to a new owners without relocation.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date. Costs of the advertisement shall be paid for by the applicant at the time of submission of the application.
- D. No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. If the debt is disputed, the transfer may be permitted upon the sworn statement of the licensee that the debt is disputed and the dispute is not being raised to facilitate the transfer (Rhode Island General Laws Section 3-5-19). Creditors cannot object to a transfer resulting from a proceeding in Bankruptcy, Receivership, Probate or other judicial process.
- E. No transfer to another person shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.
- F. No transfer to another person shall be permitted if there is a delinquency in payment of municipal taxes or user fees.
- G. The Town Council has general discretionary authority to deny relocations or transfers of a license based upon the same criteria which it has established for issuance of an original license.
 - 1. Criteria for Relocation Application:
 - a. Compliance with all Town Ordinances;
 - b. Citizen reaction to the application;
 - c. Proximity of location to residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 - d. Impact on traffic;
 - e. Parking;
 - f. Impact on existing municipal services and requirement, if any, for new municipal services;
 - g. Impact on Police Department;
 - h. Whether license will be a major component of the business at the new location or an auxiliary use to an eating establishment;

- i. The history of operations at both the old premises and the new premises for which a license is requested;
 - j. The anticipated proportion of unsupervised patrons under 21 years of age at new location;
 - k. Such other public health and safety factors as each individual application may present;
 - l. Effect on neighborhood real estate values;
 - m. Such other health and safety factors as each individual application may present.
 - n. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
2. Criteria for Transfer Application:
- a. Qualification of transferee to hold and operate the license;
 - b. Compliance with all Town Ordinances;
 - c. Such other public health and safety factors as each individual application may present;
 - d. Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. above shall also be applicable.

V. LICENSE RESTRICTIONS:

- A. The Town Council shall have the authority to impose restrictions upon a license, whether newly issued, renewed, transferred or relocated, provided the restrictions are designed to promote the reasonable control of alcoholic beverages.
- B. The Town Council shall have broad discretionary authority to impose restrictions which are generally applied to all liquor licenses or all licenses within a class. Restrictions applicable to all licenses include:
 - 1. No loud noise, music or other nuisance shall be permitted to annoy nearby residents, persons on adjoining properties, streets or sidewalks. The prohibited loud noises shall include but not be limited to the disposal of trash.

2. Generally, the sale of alcoholic beverages must be incidental to the sale of food.
3. Liability acceptance:
 - a. The applicant assumes all responsibility and liability which may result from the granting of the license;
 - b. Public safety officials who are hired to police the establishment are not liable or responsible for the checking of identification; it is solely the responsibility of the applicant;
 - c. The applicant acknowledges that the Town of Narragansett assumes no responsibility or liability by the granting of the license.
4. Any other conditions imposed by the Zoning Board of Review must be complied with by the licensee.
5. The Building, Electrical & Plumbing Inspectors and the Fire Marshall shall inspect the premises and issue their findings to the Town Council on the status of the premises. Applicants shall, before being issued a license or a renewal, correct any violations of the building, electrical, plumbing or fire codes which may exist.
6. A license must be posted in plain view and shown to any authorized person upon demand. Additionally, the licensee shall post the name of the Manager or person in charge of the licensed premises in plain view with the license at all times.
7. A telephone and toilets accessible to the public in good working order must be maintained by all holders of A, B, C and D licenses on the main floor within each licensed building.
8. No persons shall be admitted to the premises after the legal closing hour.
9. Minors shall not be allowed to loiter in or around the premises.
10. All patrons shall leave the licensed premises within one-half (1/2) hour after the required closing time, and all employees shall leave the licensed premises within one (1) hour after the required closing time. However, the owner and/or general manager of any establishment may enter or be in an establishment at any time for a legitimate business purpose; provided, however, that the owner or general manager must first inform the Police of his/her entering the licensed premises. Management and bona fide employees may not consume alcoholic beverages after patrons have left

the establishment. No employee shall be allowed on the premises for maintenance purposes earlier than two (2) hours before the legal opening time, and, during this period, there shall be no consumption of alcoholic beverages.

In the event of extenuating circumstances, and in accordance with Section 12-23 of the Town Ordinances, the above restrictions may be modified.

No alcoholic beverages shall be consumed by the licensee or employees after the required closing time.

No one, other than employees, police and enforcement personnel, shall be admitted to the premises after the required closing time.

These regulations are in addition to any state and/or Town laws and regulations to which all licenses are subject.

11. The licensed premises, associated parking, and outside areas and the conduct of patrons therein and thereon shall be efficiently and affirmatively supervised by the licensee so as to preclude the annoyances or disturbance of the public and persons residing the surrounding area and to ensure that no unlawful activity is engaged in by patrons, agents or employees.

Patrons shall not be allowed to congregate or remain in the associated parking or outside areas longer than is reasonably necessary for them to go to the licensed premises from their vehicles or to their vehicles from the licensed premises.

Patrons shall not be allowed to consume any alcoholic beverage in the associated parking areas or in any areas on the property other than the licensed premises as delineated on the site plan.

All fights or acts of violence or any violation of the laws of the State of Rhode Island or Town of Narragansett on the licensed premises or adjacent areas under the control of the licensee shall be reported immediately to the Police Department by the licensee.

No alcoholic beverages shall be removed from the licensed premises of a Class B, C or D licensee by any person.

12. At all times while the premises are occupied, police and other enforcement officials while on duty must be admitted and granted access to the entire licensed premises including the parking lot and associated areas surrounding the building.

13. No licensee or any agent, servant, employee or representative thereof shall in any way interfere with the official duties or activities of any police or other enforcement official. All licensees, their agents, servants, employees or representatives shall promptly identify themselves to any police or other enforcement official when requested to do so.
14. No licensee shall permit any ordinance of the Town of Narragansett to be violated on or within its premises by any agent, patron, servant, employee or representative thereof.
15. Parking areas and other outside areas associated with and used by the patrons and/or workers of the licensed premises shall be kept clean and free of litter.
16. The Town Council may, if it deems reasonably necessary for public health and safety, require a license holder to provide for police details at certain specified times. Any such details shall be subject to the terms and conditions contained in the Collective Bargaining Agreement between the Town and Local 303.
17. All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, and valet parking staff employed at a licensed establishment shall be required to hold a certification in Responsible Beverage Service Training. All licensees shall be required to demonstrate to the Town Clerk, at the time of filing for the initial granting of a license or at the time of filing for the renewal of a license, proof that all applicable employees hold the required certification.
18. License holders shall not permit the serving of minors nor shall they permit the serving of alcoholic beverages to persons who are so intoxicated that they cannot reasonably be expected to be responsible for their own safety or the safety of others.
19. Any attempt to utilize false identification must be immediately reported to the police.
20. A licensee may not require a patron to purchase more than one drink at a reduced price during a specific period of time.
21. A licensee shall not increase the alcoholic volume of a drink without proportionately increasing the price.
22. Open bars are prohibited. Open bar is defined as a fixed price for an unlimited number of drinks during a specified time.

23. No games or promotions concerning the consumption of alcoholic beverages are allowed on the premises or the awarding of alcoholic beverages for consumption on the premises.
 24. No licensee shall advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and/or free drink specials. This does not preclude advertising prices on menus or otherwise within the establishment.
 25. A licensee may not sell or deliver two or more drinks for a charge less than the price per drink multiplied by the number of drinks. (Ex.: "Two for One")
 26. Nothing contained herein shall be construed to prohibit licensee from offering free food or entertainment at any time.
 27. A licensee may include an alcoholic beverage (1 drink) as part of a meal package.
 28. A licensee may sell or deliver wine by the bottle or carafe when sold with meals or to more than one (1) person.
 29. Wine tastings are permitted pursuant to Title 3 of the Rhode Island General Laws.
- C. All licensees shall comply strictly with the above conditions. Violations shall be considered cause for suspension or revocation of the license.
- D. Restrictions imposed upon a particular license, not generally applicable to all licenses, should be reasonably supported by competent evidence presented to the Town Council or agreed to by the licensee. Restrictions that may be imposed include, but are not limited to:
1. Reduced hours of operation.
 2. Entertainment restrictions.
 3. Alcoholic beverage service with the service of a meal only.
 4. The service or drinking of alcoholic beverages may be restricted to tables.
 5. Limitations on seating capacity.
 6. Requiring that alcoholic beverages be only served from a service bar.

7. Restricting the area of the premises where alcohol may be served and/or consumed.

VI. REVOCATIONS AND FINES:

- A. The Town Council may revoke or suspend any license that it has issued or impose a fine up to \$500 for a first offense and \$1,000 for a second offense, if:
 1. The license holder has breached any express condition imposed on the license.
 2. The license holder has violated the provisions of State law concerning alcoholic beverages, including but not limited to the rules and regulations issued by the Liquor Control Administration and/or the Department of Business Regulation.
 3. The license holder has violated the provisions of these Rules and Regulations or any applicable Town Ordinances.
- B. Hearing: Prior to the revocation or suspension of a license or the imposition of a fine, the Town Council shall send notice by mail to the licensee and give the licensee the opportunity to show cause why the license should not be suspended or revoked or why a fine should not be imposed. The notice shall provide:
 1. The factual basis for the revocation, suspension or fine;
 2. The date on which the show cause hearing is to be held.

If the Town Council finds that the public health, safety or welfare requires immediate suspension or revocation, it may suspend or revoke the license and promptly provide the licensee with a hearing.

VII. EXPANSION OF LIQUOR SERVICE:

- A. The Town Council specifically reserves the right to limit the area on the premises where liquor may be served and/or consumed.
- B. To expand the area wherein alcoholic beverages may be served and/or consumed beyond that authorized in the existing license, the license holder must:
 1. First, obtain, if applicable, the approval of the Zoning Board to expand the special use permit to serve and/or consume in the expanded area. All applicable requirements of the Zoning Ordinance with regard to special use permits shall apply.

2. Obtain the approval of the Town Council to expand the premises wherein service and/or consumption of alcoholic beverages is authorized.
- C. To obtain approval from the Town Council for the expansion of liquor service, the license holder must submit a new license application, with a new written description and site plan. A public hearing shall be held. Notice in accordance with Sections I(B) and (C) shall be given. The criteria applicable to a new license shall apply to an expansion.

VIII. COMPLIANCE WITH CONDITIONS OF APPROVAL:

Unless a longer period is authorized by the Town Council, when any license application, including renewals, transfers or relocations, is approved by the Town Council subject to certain actions or conditions being complied with by the licensee, all such actions or conditions shall be complied with and fulfilled no later than thirty (30) days after date of the vote of the Town Council. Examples of these conditions or actions are the payment of taxes, the obtaining of a Certificate of Occupancy or the completion of a closing. If the licensee fails to comply and does not pay all required fees and expenses within the thirty-day period, then the approval of the Town Council shall be automatically rescinded.

IX. NUMBER OF ALCOHOLIC BEVERAGE LICENSES:

- A. In accordance with the authority granted to it by Rhode Island General Laws Section 3-5-16, the Town Council may set limits on the number of alcoholic beverage licenses available within the Town.
- B. Annually, in the month of February, the Town Council may, in its discretion, vote to increase the number of authorized licenses in any class so as to give interested persons the opportunity to apply for an alcoholic beverage license. If the Town Council decides to consider increasing the number of authorized licenses, it shall in the month of December direct the Town Clerk to advertise in the first week of January the fact that the Town Council is considering increasing the number of authorized licenses. The notice shall require all interested parties to submit an application and all of the material required under Section I hereof not later than February 10.
- C. At the second regular meeting of the Town Council in the month of February, the Town Clerk shall provide to the Town Council copies of all applications received. The Town Council may then, in its discretion, vote to increase the number of authorized licenses by the number of applications received. If the Town Council votes to increase the number of authorized licenses, then the following provisions shall apply:

1. The Town Council shall schedule public hearings in accordance with Section I hereof for all applicants who have in a timely manner submitted a completed application and all of the required material.
 2. Unless otherwise agreed to by the Town Council, only two public hearings per Council meeting shall be scheduled. Hearings will be scheduled in the order in which completed applications were filed in the Town Clerk's office. At the close of each public hearing, the Town Council in its discretion may either vote on the application or defer decision until a later date. After all of the public hearings are completed and decisions rendered, the Town Council shall if necessary reduce the number of authorized licenses to an amount equal to the number of approved licenses.
 3. The Town Council may deny any application for any of the reasons set forth in Section II hereof.
 4. Notwithstanding any provisions to the contrary, the Town Council reserves the right to refuse to schedule a public hearing for any applicant who does not comply with the provisions of State law, Town Ordinances or these Regulations.
 5. The terms of this section are not meant to and do not preclude the Town Council from raising the number of authorized licenses and scheduling public hearings at other times during the year if the need arises. For the year 1997, the time frames set forth in Sections A and B hereof shall be adjusted, based upon the date of adoption of these Rules and Regulations.
-

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: _____

Amend No. _____

Date Prepared: May 22, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager

FROM: Theresa C. Donovan, CMC, Town Clerk

SUBJECT: Consideration of Liquor License Request – Schedule Public Hearing

RECOMMENDATION:

That the Town Council schedule a public hearing on the application of Captain's Deck LLC, dba Captain's Deck for a new Class B-Victualler Alcoholic Beverage License at Assessor's Plat I-G, Lot 243-S, 33 State Street, Narragansett, RI.

SUMMARY:

The applicant is seeking a new alcoholic beverage license, which would allow the service of alcoholic beverages to customers while dining at the restaurant. Class B-Victualing licenses have been issued for this location in the past, the most recent of which was Hank's Down South LLC, but that license was abandoned in 2016. Since the last license was abandoned four years ago, there is no active license from which a transfer could be requested.

Currently, there are twenty (20) active B-V licenses in Narragansett. Approval of this application would bring to total to twenty-one (21). Since this would be considered a new license, abutter notification of the public hearing by the applicant would be required.

The Community Development Department has been notified of the application, and indicated a review of their files would ensue to determine if there were any limiting conditions on the site that would require a new Special Use Permit application.

The Town Council's conditions in place for the last liquor licensee at this location were as follows:

- a) Closing time will be 12:30 AM.
- b) Live Entertainment is limited to the inside of the restaurant and will not be allowed on the outside deck.
- c) All windows and doors on the water side of the restaurant be closed at 10:00 PM on evenings when there is musical entertainment.

Staff suggests a public hearing date of July 6, 2020.

ATTACHMENTS:

1. Application and site plan

2. Rules

STATE OF RHODE ISLAND

BOARD OF LICENSE COMMISSIONERS
APPLICATION FOR LIQUOR LICENSE

TOWN OF NARRAGANSETT
RECEIVED

RETAILER CLASS: A ___ BH ___ BM ___ BT ___ BV BVL ___ C ___ E ___ ED ___ J ___ T ___

MAY 13 2020

Business Structure: Corporation Partnership LLC

Captain's Deck, LLC

Individual
NARRAGANSETT
TOWN CLERK'S OFFICE

Name of Applicant/Corporation

Captain's Deck

D/B/A

33 State Street, Narragansett, RI 02882

Address of Premise

860-912-3144

Phone Number of Business

marc.alderucci@gmail.com

Email Address

State - Incorporated: Rhode Island

Date of Incorporation: 02/04/2020

Name, Address, Telephone of all Officers/Members with percentage ownership:

President/Member Name	Address	Phone	% Ownership
Marc Alderucci/Member	377 Thompson St, South Glastonbury, CT 06073	860-912-3144	100%

Vice President/Member Name	Address	Phone	% Ownership

Secretary/Member Name	Address	Phone	% Ownership

Treasurer/Member Name	Address	Phone	% Ownership

Name and Address of All Directors or Board Members, with percentage ownership:

n/a

Name	Address	Phone	% Ownership

Name	Address	Phone	% Ownership

Name	Address	Phone	% Ownership

If application is on behalf of undisclosed principal or party, please give details:

n/a

Does Applicant Own Premises? Yes ___ No Is Property Mortgaged? Yes ___ No ___ or Leased? Yes No ___

Give Name and Address of Mortgagee or Lessee and Amount of Extent

Name	Address	Amount - Term
The State Of Rhode Island, Miss Francis, Inc.	P. O. Box 3724, Peace Dale, RI 02883	3 years

Have any Officers, Members or Stockholders ever been arrested or convicted of a crime? Yes ___ No If yes, explain:

Is any other business to be conducted within Licensed Premises? Yes ___ No If yes, explain:

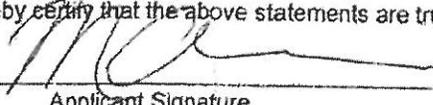
Does Applicant or any of its Officers, Members or Stockholders have an interest, direct or indirect, as principle or associate, or in any manner whatsoever, in any retail license issued under Title 3 of the RI General Laws? If yes, explain: No.

Is Applicant the owner or operator of any other business? If yes, explain: No.

State amount of capital invested in the business connected to this application.
\$75,000.00

Do you have now, or will you be installing, a draught system? Yes No ___

I hereby certify that the above statements are true to the best of my knowledge and belief.


Applicant Signature

5/8/2020
Date

1. Every question on Application Form must be answered. Any false statement made by the Applicant will be sufficient grounds for the denial of the application, or the revocation of the license in the event one has been granted.
2. A corporation having 25 or more stockholders need not file a list of the names and addresses of stockholders.
3. Attention is called to the requirements of RIGL §3-5-10.
 - a) All newly elected officers, members, or directors must be reported to the Board of License Commissioners within 30 days.
 - b) Any acquisition by any person of more than ten per cent (10%) of any class of corporate stock must be reported within 30 days.
 - c) Any transfer of fifty percent (50%) or more of any class of corporate stock can be made only by written application to the licensing board, and is subject to the procedures for a transfer of license.

APPLICATION FOR TRANSFER OF LICENSE ONLY

Select one: Transfer of Location _____ Name _____ Stock _____ Current Retail Class _____

Name of Transferor (applicant/current owner) _____

d/b/a _____

Address _____

The above hereby petitions the Licensing Board to transfer the said license to:

New Location (if any): _____

New Name (if any): _____

If change of stockholders, list old and new stockholders: _____

Signature of Transferor (current owner) _____

Date _____

Signature of Transferee (new owner) _____

Date _____

Town of Narragansett
25 Fifth Avenue
Narragansett, RI 02882

MISCELLANEOUS LICENSE APPLICATION

Captain's Deck
Trade name

Marc Alderucci
Owner's name

33 State Street, Narragansett, RI 02882
Company address (line 1)

Mailing address (line 1)

33 State Street, Narragansett, RI 02882
Company address (line 2)

Mailing address (line 2)

860-912-3144
Company telephone #

(860) 912-3144
Owner's telephone #

Enter: Plat I-G Lot(s)# 243-S

TYPE(S) OF LICENSE:

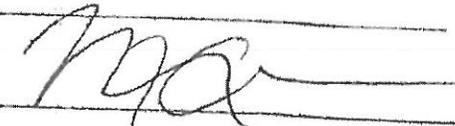
VICTUALLING LICENSE

FEE:

\$ 50.00

\$

\$

Signature: 

Date: 5.8.2020

ANSWER ONLY IF APPLICABLE:

Food Dispenser/Victualer

Type of Operation:

Restaurant/Pub

Food Source(s):

Sysco

Seating capacity: 150

of dining rooms: 2

of kitchens: 1

of meals served daily: 200



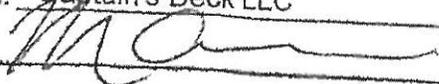
TOWN OF NARRAGANSETT
Town Hall • 25 Fifth Avenue • Narragansett, RI 02882
Tel (401)782-0603 Fax (401)783-9637

Date 5-8-2020

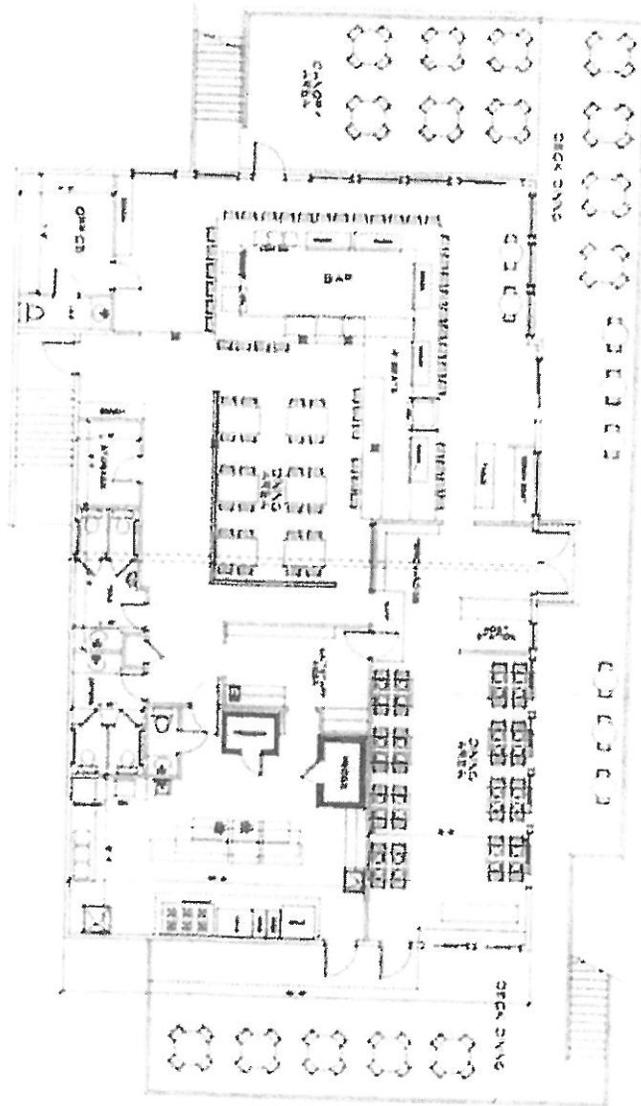
PLEASE ILLUSTRATE BELOW THE NUMBER OF BARS IN YOUR ESTABLISHMENT AND LOCATION OF SAME.

Please see attached site plan.

BUSINESS NAME: Captain's Deck LLC

SIGNATURE: 

33 State Street, Narragansett, RI 02882
A/P: I-G, Lot 243-S (Zoned I-B)
Owner: Marc Alderucci



LIQUOR LICENSE RULES AND REGULATIONS

I. NEW LICENSE APPLICATIONS:

A. Application:

1. An application form must be obtained from the Town Clerk, be fully completed, and returned to the Town Clerk with the application processing fee and all required documentation to include:
 - a. Site Plan
 - b. Receipt of a Special Use Permit from the Zoning Board of Review.
2. The application forms to be used are contained in Appendix A and are specifically made part of these rules and regulations.
3. A nonrefundable application processing fee of \$25 will be charged for every application.
4. The application must contain a brief written description of the premises sufficient to identify the specific location, within the building and/or on the property grounds where liquor is to be served and/or consumed. A site plan, drawn to an acceptable engineering scale and accurately presenting all required data must be submitted with, and as part of, the license application. The site plan shall contain:

Parcel identification (Tax Assessor's Map and Lot).

Property ownership.

Zoning Classification.

Identification of all special exceptions, variances, and other legally authorized deviations from the Zoning Ordinance with dates of authorization including special exceptions granted for the expansion of existing uses.

Identification of exact premises within the building and/or grounds where liquor is to be served and/or consumed.

Identification of all property owners within 200 feet of any point of the premises where liquor is to be served and/or consumed.

- #### B. Notice: Notice of the application must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice

is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date.
- D. Costs: The applicant shall be responsible for paying all costs for the notice, advertising and stenographer.
- E. Special Exception: Liquor service is permitted under the Zoning Ordinance only by special use permit. Prior to any hearing on the application for a license, the applicant must demonstrate that a special use permit has been received from the Zoning Board. Any and all conditions imposed upon the applicant by the Zoning Board of Review shall become conditions of the license.

II. BASIS FOR DENIAL:

- A. All available licenses authorized under the limits established by these rules and regulations have been issued, and no license is currently available.
- B. Objection is made by owners of the greater part of the area within 200 feet of the premises where a Class B, C or I license is to be operated. (Rhode Island General Laws Section 3-7-19.) If the owner or owners of the majority of this area object, then the Council is without authority to issue the license. The area within 200 feet of the premises means the area within a line 200 feet distant from every side of the proposed premises.
- C. Objection is made by owners of less than the greater part of the area within 200 feet of the premises where the license is to be operated. The Council has discretionary authority to either issue or deny the license.
- D. Premises is located within 200 feet of a school or place of public worship. (Rhode Island General Laws Section 3-7-19.) The 200 foot measurement shall be made from that point of the proposed licensed place closest to the nearest improved point of the school or place of worship.
- E. The Council has general discretionary authority to deny a license based upon criteria which it has established and fairly applies. The following criteria have been established by the Town Council:
 - 1. Compliance with all Town Ordinances;

2. Citizen reaction to the application;
 3. Proximity of location to a residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 4. Impact on traffic;
 5. Parking;
 6. Impact on existing municipal services and requirement, if any, for new municipal services;
 7. Impact on Police Department;
 8. Whether license will be a major component of the business or an auxiliary use to an eating establishment;
 9. The history of operations at the premises for which a license is requested;
 10. Proportion of unsupervised patrons under 21 years of age;
 11. Effect on neighborhood real estate values;
 12. Qualification of the applicant to hold and operate the license;
 13. Such other health and safety factors as each individual application may present.
 14. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
- F. Failure of applicant to comply with the requirements of State law, including, but not limited to:
1. Applicant must be a citizen and resident of Rhode Island, except that licenses may be issued to corporations incorporated in other states of the United States if they are authorized to transact business in Rhode Island (Rhode Island General Laws Section 3-5-10).
 2. Corporate applicants with 25 stockholders or less must provide a list of the names and addresses of all stockholders, officers and members of the Board of Directors to the Town Council, and each person listed must be a suitable person to hold a license within the discretion of the Town Council (Rhode Island General Laws Section 3-5-10).

3. Failure of a corporation to report the acquisition of a 10% increase and any change of officer or directors within thirty (30) days (Rhode Island General Laws Section 3-5-10).
4. Applicant has a criminal record or repeated violations of the Alcoholic Beverage Laws (Rhode Island General Laws Section 3-5-10).

III. LICENSE RENEWAL APPLICATION:

- A. All licenses (except F and F-1) are issued for a period of not more than one (1) year and shall be renewable on December 1 each year in accordance with these Rules and Regulations and State law.
- B. License renewal applications shall be submitted on the same application form as an original application except that the application shall indicate that it is a renewal application. The license renewal applications should be submitted by October 1 to allow time for processing. Failure to submit a timely license renewal application shall be grounds for denying renewal of the license.
- C. The renewal applicant need not submit a new site plan provided that there is a site plan on file which accurately reflects the premises and the exact places on the premises where liquor is to be served and/or consumed. If there has been any change in the premises, including any changes to the places on the premises where liquor is to be served and/or consumed, failure to submit a new site plan with the renewal application shall be grounds for denial of the application or revocation of the license. Any change to the site plan which changes the places on the premises where liquor is either served or consumed must be approved by the Town Council in accordance with the procedures set forth in Section VII hereof.
- D. The full amount of the annual license fee must be submitted with the application plus a \$25 nonrefundable application processing fee (Rhode Island General Laws Section 3-7-6).
- E. Failure of the Town Council to act on a license renewal application, timely submitted and fully completed and executed, shall cause the existing license to be extended until such time as the Town Council acts on the application (Rhode Island General Laws Section 42-35-14).
- F. The holder of a license is entitled to have the license renewed, provided:
 1. The license renewal application is complete and timely submitted by October 1.

2. The applicant meets all the criteria for issuance of the initial license.
 3. The Town Council may refuse to renew the license for cause. Cause shall include:
 - a. One or more incidents of disorderly conduct within the licensed premises or outside the licensed premises if the conduct can be shown to have its genesis within the premises;
 - b. Failure to comply with State and local health and safety laws, codes, ordinances, rules and regulations;
 - c. Failure to comply with State and local alcoholic beverage laws, codes, rules and regulations;
 - d. Delinquency of applicant in payment of municipal taxes and user fees in accordance with Section 9-14 of the Town Code; and
 - e. Failure to furnish a Certificate of Good Standing from the Rhode Island Division of Taxation.
- G. Notice: On condition that there is no change to the site plan, including any changes to the places on the premises where liquor is to be served and/or consumed, it shall not be necessary to provide notice by mail to abutting landowners for renewal applications.
- H. Advertising: The license renewal application shall be advertised in a newspaper of local circulation. The advertisement shall provide the date and time of the meeting at which the renewal application shall be considered. Costs of the advertisement shall be paid for by the applicant at the time of submission of the renewal application.

IV. RELOCATION OR TRANSFER OF LICENSE:

- A. Relocation means moving the license to a new location; transfer means conveyance of the license to another person (Rhode Island General Laws Section 3-5-19).
- B. Notice: Notice of the application for relocation must be given by certified mail to all owners of property within 200 feet of the place of business seeking the license. The notice is to be given and paid for by the applicant. The applicant shall file proof of mailing with the Town Clerk. The notice must state that remonstrants have a right to be heard and state the time and place of the hearing. The notice format is contained in Appendix B. Notice need not be given regarding Class F and G licenses nor for transfers to a new owners without relocation.

- C. Advertising: The Town Council must advertise the hearing once a week for two (2) weeks in a newspaper of local circulation. This requirement does not apply to Class F or G licenses. The initial advertisement must appear fourteen (14) days or more before the scheduled hearing date. Costs of the advertisement shall be paid for by the applicant at the time of submission of the application.
- D. No transfer to another person shall be permitted unless indebtedness of the licensee incurred in the operation of licensed premises shall be paid to or released by an objecting creditor. If the debt is disputed, the transfer may be permitted upon the sworn statement of the licensee that the debt is disputed and the dispute is not being raised to facilitate the transfer (Rhode Island General Laws Section 3-5-19). Creditors cannot object to a transfer resulting from a proceeding in Bankruptcy, Receivership, Probate or other judicial process.
- E. No transfer to another person shall be permitted unless a Certificate of Good Standing is issued by the State of Rhode Island Division of Taxation indicating all State taxes have been paid.
- F. No transfer to another person shall be permitted if there is a delinquency in payment of municipal taxes or user fees.
- G. The Town Council has general discretionary authority to deny relocations or transfers of a license based upon the same criteria which it has established for issuance of an original license.
 - 1. Criteria for Relocation Application:
 - a. Compliance with all Town Ordinances;
 - b. Citizen reaction to the application;
 - c. Proximity of location to residential area, commercial districts, schools, churches and other establishments licensed for the sale of alcoholic beverages;
 - d. Impact on traffic;
 - e. Parking;
 - f. Impact on existing municipal services and requirement, if any, for new municipal services;
 - g. Impact on Police Department;
 - h. Whether license will be a major component of the business at the new location or an auxiliary use to an eating establishment;

- i. The history of operations at both the old premises and the new premises for which a license is requested;
 - j. The anticipated proportion of unsupervised patrons under 21 years of age at new location;
 - k. Such other public health and safety factors as each individual application may present;
 - l. Effect on neighborhood real estate values;
 - m. Such other health and safety factors as each individual application may present.
 - n. Compliance with all applicable State and Federal laws and regulations, i.e., Building Code, ADA, Sewage Disposal, etc.
2. Criteria for Transfer Application:
- a. Qualification of transferee to hold and operate the license;
 - b. Compliance with all Town Ordinances;
 - c. Such other public health and safety factors as each individual application may present;
 - d. Whether the transferee is proposing to change the type of operation of the business. If so, then all of the criteria set forth in Section G.1. above shall also be applicable.

V. LICENSE RESTRICTIONS:

- A. The Town Council shall have the authority to impose restrictions upon a license, whether newly issued, renewed, transferred or relocated, provided the restrictions are designed to promote the reasonable control of alcoholic beverages.
- B. The Town Council shall have broad discretionary authority to impose restrictions which are generally applied to all liquor licenses or all licenses within a class. Restrictions applicable to all licenses include:
 - 1. No loud noise, music or other nuisance shall be permitted to annoy nearby residents, persons on adjoining properties, streets or sidewalks. The prohibited loud noises shall include but not be limited to the disposal of trash.

2. Generally, the sale of alcoholic beverages must be incidental to the sale of food.
3. Liability acceptance:
 - a. The applicant assumes all responsibility and liability which may result from the granting of the license;
 - b. Public safety officials who are hired to police the establishment are not liable or responsible for the checking of identification; it is solely the responsibility of the applicant;
 - c. The applicant acknowledges that the Town of Narragansett assumes no responsibility or liability by the granting of the license.
4. Any other conditions imposed by the Zoning Board of Review must be complied with by the licensee.
5. The Building, Electrical & Plumbing Inspectors and the Fire Marshall shall inspect the premises and issue their findings to the Town Council on the status of the premises. Applicants shall, before being issued a license or a renewal, correct any violations of the building, electrical, plumbing or fire codes which may exist.
6. A license must be posted in plain view and shown to any authorized person upon demand. Additionally, the licensee shall post the name of the Manager or person in charge of the licensed premises in plain view with the license at all times.
7. A telephone and toilets accessible to the public in good working order must be maintained by all holders of A, B, C and D licenses on the main floor within each licensed building.
8. No persons shall be admitted to the premises after the legal closing hour.
9. Minors shall not be allowed to loiter in or around the premises.
10. All patrons shall leave the licensed premises within one-half (1/2) hour after the required closing time, and all employees shall leave the licensed premises within one (1) hour after the required closing time. However, the owner and/or general manager of any establishment may enter or be in an establishment at any time for a legitimate business purpose; provided, however, that the owner or general manager must first inform the Police of his/her entering the licensed premises. Management and bona fide employees may not consume alcoholic beverages after patrons have left

the establishment. No employee shall be allowed on the premises for maintenance purposes earlier than two (2) hours before the legal opening time, and, during this period, there shall be no consumption of alcoholic beverages.

In the event of extenuating circumstances, and in accordance with Section 12-23 of the Town Ordinances, the above restrictions may be modified.

No alcoholic beverages shall be consumed by the licensee or employees after the required closing time.

No one, other than employees, police and enforcement personnel, shall be admitted to the premises after the required closing time.

These regulations are in addition to any state and/or Town laws and regulations to which all licenses are subject.

11. The licensed premises, associated parking, and outside areas and the conduct of patrons therein and thereon shall be efficiently and affirmatively supervised by the licensee so as to preclude the annoyances or disturbance of the public and persons residing the surrounding area and to ensure that no unlawful activity is engaged in by patrons, agents or employees.

Patrons shall not be allowed to congregate or remain in the associated parking or outside areas longer than is reasonably necessary for them to go to the licensed premises from their vehicles or to their vehicles from the licensed premises.

Patrons shall not be allowed to consume any alcoholic beverage in the associated parking areas or in any areas on the property other than the licensed premises as delineated on the site plan.

All fights or acts of violence or any violation of the laws of the State of Rhode Island or Town of Narragansett on the licensed premises or adjacent areas under the control of the licensee shall be reported immediately to the Police Department by the licensee.

No alcoholic beverages shall be removed from the licensed premises of a Class B, C or D licensee by any person.

12. At all times while the premises are occupied, police and other enforcement officials while on duty must be admitted and granted access to the entire licensed premises including the parking lot and associated areas surrounding the building.

13. No licensee or any agent, servant, employee or representative thereof shall in any way interfere with the official duties or activities of any police or other enforcement official. All licensees, their agents, servants, employees or representatives shall promptly identify themselves to any police or other enforcement official when requested to do so.
14. No licensee shall permit any ordinance of the Town of Narragansett to be violated on or within its premises by any agent, patron, servant, employee or representative thereof.
15. Parking areas and other outside areas associated with and used by the patrons and/or workers of the licensed premises shall be kept clean and free of litter.
16. The Town Council may, if it deems reasonably necessary for public health and safety, require a license holder to provide for police details at certain specified times. Any such details shall be subject to the terms and conditions contained in the Collective Bargaining Agreement between the Town and Local 303.
17. All persons who sell or serve alcoholic beverages, anyone serving in a supervisory capacity over those who sell or serve alcoholic beverages, anyone whose job description entails the checking of identification for the purchase of alcoholic beverages, and valet parking staff employed at a licensed establishment shall be required to hold a certification in Responsible Beverage Service Training. All licensees shall be required to demonstrate to the Town Clerk, at the time of filing for the initial granting of a license or at the time of filing for the renewal of a license, proof that all applicable employees hold the required certification.
18. License holders shall not permit the serving of minors nor shall they permit the serving of alcoholic beverages to persons who are so intoxicated that they cannot reasonably be expected to be responsible for their own safety or the safety of others.
19. Any attempt to utilize false identification must be immediately reported to the police.
20. A licensee may not require a patron to purchase more than one drink at a reduced price during a specific period of time.
21. A licensee shall not increase the alcoholic volume of a drink without proportionately increasing the price.
22. Open bars are prohibited. Open bar is defined as a fixed price for an unlimited number of drinks during a specified time.

23. No games or promotions concerning the consumption of alcoholic beverages are allowed on the premises or the awarding of alcoholic beverages for consumption on the premises.
 24. No licensee shall advertise or promote in any manner, or in any medium, happy hours, open bars, two-for-one nights and/or free drink specials. This does not preclude advertising prices on menus or otherwise within the establishment.
 25. A licensee may not sell or deliver two or more drinks for a charge less than the price per drink multiplied by the number of drinks. (Ex.: "Two for One")
 26. Nothing contained herein shall be construed to prohibit licensee from offering free food or entertainment at any time.
 27. A licensee may include an alcoholic beverage (1 drink) as part of a meal package.
 28. A licensee may sell or deliver wine by the bottle or carafe when sold with meals or to more than one (1) person.
 29. Wine tastings are permitted pursuant to Title 3 of the Rhode Island General Laws.
- C. All licensees shall comply strictly with the above conditions. Violations shall be considered cause for suspension or revocation of the license.
- D. Restrictions imposed upon a particular license, not generally applicable to all licenses, should be reasonably supported by competent evidence presented to the Town Council or agreed to by the licensee. Restrictions that may be imposed include, but are not limited to:
1. Reduced hours of operation.
 2. Entertainment restrictions.
 3. Alcoholic beverage service with the service of a meal only.
 4. The service or drinking of alcoholic beverages may be restricted to tables.
 5. Limitations on seating capacity.
 6. Requiring that alcoholic beverages be only served from a service bar.

7. Restricting the area of the premises where alcohol may be served and/or consumed.

VI. REVOCATIONS AND FINES:

- A. The Town Council may revoke or suspend any license that it has issued or impose a fine up to \$500 for a first offense and \$1,000 for a second offense, if:
 1. The license holder has breached any express condition imposed on the license.
 2. The license holder has violated the provisions of State law concerning alcoholic beverages, including but not limited to the rules and regulations issued by the Liquor Control Administration and/or the Department of Business Regulation.
 3. The license holder has violated the provisions of these Rules and Regulations or any applicable Town Ordinances.
- B. Hearing: Prior to the revocation or suspension of a license or the imposition of a fine, the Town Council shall send notice by mail to the licensee and give the licensee the opportunity to show cause why the license should not be suspended or revoked or why a fine should not be imposed. The notice shall provide:
 1. The factual basis for the revocation, suspension or fine;
 2. The date on which the show cause hearing is to be held.

If the Town Council finds that the public health, safety or welfare requires immediate suspension or revocation, it may suspend or revoke the license and promptly provide the licensee with a hearing.

VII. EXPANSION OF LIQUOR SERVICE:

- A. The Town Council specifically reserves the right to limit the area on the premises where liquor may be served and/or consumed.
- B. To expand the area wherein alcoholic beverages may be served and/or consumed beyond that authorized in the existing license, the license holder must:
 1. First, obtain, if applicable, the approval of the Zoning Board to expand the special use permit to serve and/or consume in the expanded area. All applicable requirements of the Zoning Ordinance with regard to special use permits shall apply.

2. Obtain the approval of the Town Council to expand the premises wherein service and/or consumption of alcoholic beverages is authorized.
- C. To obtain approval from the Town Council for the expansion of liquor service, the license holder must submit a new license application, with a new written description and site plan. A public hearing shall be held. Notice in accordance with Sections I(B) and (C) shall be given. The criteria applicable to a new license shall apply to an expansion.

VIII. COMPLIANCE WITH CONDITIONS OF APPROVAL:

Unless a longer period is authorized by the Town Council, when any license application, including renewals, transfers or relocations, is approved by the Town Council subject to certain actions or conditions being complied with by the licensee, all such actions or conditions shall be complied with and fulfilled no later than thirty (30) days after date of the vote of the Town Council. Examples of these conditions or actions are the payment of taxes, the obtaining of a Certificate of Occupancy or the completion of a closing. If the licensee fails to comply and does not pay all required fees and expenses within the thirty-day period, then the approval of the Town Council shall be automatically rescinded.

IX. NUMBER OF ALCOHOLIC BEVERAGE LICENSES:

- A. In accordance with the authority granted to it by Rhode Island General Laws Section 3-5-16, the Town Council may set limits on the number of alcoholic beverage licenses available within the Town.
- B. Annually, in the month of February, the Town Council may, in its discretion, vote to increase the number of authorized licenses in any class so as to give interested persons the opportunity to apply for an alcoholic beverage license. If the Town Council decides to consider increasing the number of authorized licenses, it shall in the month of December direct the Town Clerk to advertise in the first week of January the fact that the Town Council is considering increasing the number of authorized licenses. The notice shall require all interested parties to submit an application and all of the material required under Section I hereof not later than February 10.
- C. At the second regular meeting of the Town Council in the month of February, the Town Clerk shall provide to the Town Council copies of all applications received. The Town Council may then, in its discretion, vote to increase the number of authorized licenses by the number of applications received. If the Town Council votes to increase the number of authorized licenses, then the following provisions shall apply:

1. The Town Council shall schedule public hearings in accordance with Section I hereof for all applicants who have in a timely manner submitted a completed application and all of the required material.
2. Unless otherwise agreed to by the Town Council, only two public hearings per Council meeting shall be scheduled. Hearings will be scheduled in the order in which completed applications were filed in the Town Clerk's office. At the close of each public hearing, the Town Council in its discretion may either vote on the application or defer decision until a later date. After all of the public hearings are completed and decisions rendered, the Town Council shall if necessary reduce the number of authorized licenses to an amount equal to the number of approved licenses.
3. The Town Council may deny any application for any of the reasons set forth in Section II hereof.
4. Notwithstanding any provisions to the contrary, the Town Council reserves the right to refuse to schedule a public hearing for any applicant who does not comply with the provisions of State law, Town Ordinances or these Regulations.
5. The terms of this section are not meant to and do not preclude the Town Council from raising the number of authorized licenses and scheduling public hearings at other times during the year if the need arises. For the year 1997, the time frames set forth in Sections A and B hereof shall be adjusted, based upon the date of adoption of these Rules and Regulations.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: _____

Amend No. _____

Date Prepared: May 18, 2020
Council Meeting Date: June 1, 2020

TO: Honorable Town Council

FROM: James R. Tierney, Town Manager

SUBJECT: A Public Hearing on the FY 2020-2021 Proposed Budget

RECOMMENDATION:

That the Town Council continue a public hearing on the proposed budget for the 2020-2021 Fiscal Year.

SUMMARY:

The budget process has been ongoing since December with all town departments. Each department head manager has met with the Town Manager and Finance Director several times to review the budget.

A public hearing was conducted on May 4th, on the school and town budgets. Work sessions were conducted on May 6th and May 13th and were open to the public via ZOOM. The second public hearing is scheduled for June 1st at 8:00 p.m.

The budget is on the Town's website at the link below:

<https://narragansettri.gov/DocumentCenter/View/13096/FY-2021-Council-Proposed-Budget>

ATTACHMENTS:

1. Advertisement
2. PowerPoint presentation

The Narragansett Times
Friday, May 29, 2020

**TOWN OF NARRAGANSETT
NOTICE OF FINAL BUDGET HEARING**

The following is the schedule for the final Public Hearing on the 2020-2021 Budget for the Town of Narragansett:

**June 1, 2020 at 8:00 PM to consider the Municipal
Budget and the Capital Improvement Plan**

The hearing will be conducted in accordance with any state or local executive orders that are in place on the date of the meeting. If gatherings are still limited, remote participation instructions will be printed on the meeting agenda. Otherwise, the hearing will take place in the Assembly Room of the Narragansett Town Hall at 25 Fifth Avenue. Please contact the Narragansett Town Clerk for further information: tdonovan@narragansetttri.gov or 401-782-0621.

Matthew M. Mannix
Town Council President

Town of Narragansett FY 2020/2021 Budget

Public Hearing June 1, 2020
Town Council Proposed Budget

2020-2021 LEVY/TAX RATE

CALCULATION OF ESTIMATED MILL RATE
 FY 2020-2021 AT A COLLECTION RATE
 OF

98.80%

PROPOSED COUNCIL

FY 19/20 Budget

		2020	Levy	
Res Real	4,509,212,427	10.233	46,142,771	
Comm Real	326,173,440	14.326	4,672,763	
Comm Per Prop	100,956,287	14.326	1,446,300	52,261,834
Motor Vehicles	83,215,440	16.460	1,369,673	
TOTAL GRAND LIST	5,019,557,594		53,631,508	

FY 20/21 ESTIMATED LEVY AND BUDGET

		2021	Levy	
<i>Effective Rate</i>		9.45		
Res Real	4,530,059,741	10.505	47,587,175	
Comm Real	325,597,530	14.181	4,617,436	
Comm Per Prop	96,064,130	14.181	1,362,326	53,566,937
Motor Vehicles	76,892,871	16.460	1,265,657	
TOTAL GRAND LIST	5,028,614,272		54,832,594	

collection rate
 98.80% 54,174,603

Proposed increase/(decrease) in the Residential Tax Rate 2.66%
 Proposed increase in Levy 2.24%
 Proposed increase in Levy excluding Motor Vehicles 2.50%

2020-2021 Considerations in Response to the COVID-19 Event

- State Aid is based on 2019-2020 allocations due to State revenue uncertainties (RIGL 35-3-19).
- Hotel & Meal revenues are also decreased to 2019-2020 State allocations but could be less depending on when RI re-opens.
- Current market conditions cause concern for meeting 2021 expectations in investment income and valuation, including OPEB and pension.

2020-2021 Considerations in Response to the COVID-19 Event (cont.)

- \$2.8M moved to “nonspendable” fund balance during the 2019 Audit reducing “unassigned” fund balance from 16% to 11.8%
- Medical and Dental benefits projected with an increase of 8% and 3%, respectfully. The medical claims related to the COVID-19 event may increase for the 2021-2022 budget.
- We are exploring all avenues to collect reimbursement for all COVID-19 event related **expenses**. (FEMA, CARES, CDBG, Law Enforcement and Public Safety, such as AFG, and Education Relief Fund)

What's Notable in Budget

- Decrease in funding for Capital Projects \$1.07M
- Decrease in funding for Operating \$1.78M
- Tax levy at 2.50%, excluding MV and 2.24% including MV
- Zero use of “unassigned” fund balance reserve for operating budget
- Use of fund balance reserve to cover capital and leave within town policy at approximately 11.75%

What's Notable in Budget (cont.)

- 100% funding of the Actuarial Determined Contribution for the pension and OPEB funds
- Level funded Library appropriation
- Postponed hiring of several positions: Fire Recruits, Building Inspector, Planning Technician, and Network Administrator
- Increase in Rental Registration, \$85 to \$120

Major Changes FY '19-'20 to '20-'21

- Total budget \$61.5M up \$562K or .92%
- Tax revenue up \$1.4M or 2.6%
- Personnel up \$813,000
- Capital transfer down \$270,586
- School transfer up \$264,000
- Debt service transfer up \$10,949

Capital Improvement Changes

- Town Council reduced departments by 10%
 - IT – reduced Fiber Optic Maintenance \$5,800
 - Police – eliminated ACO Vehicle \$35,000
 - Fire – reduced Vehicle purchase \$35,000
 - Engineering – eliminated Vehicle \$30,000
 - DPW – Eliminated Eastward Look Storm Drain \$75,000, reduced Pavement Mgmt. \$17,000
 - Parks & Rec – eliminated court resurfacing \$30,000, eliminated Fence Replacement \$41,000

The impact on Taxes

- The proposed tax rate for residential property is \$10.51 per thousand and the commercial rate is proposed at \$14.18. The FY 19/20 rates are \$10.23 and \$14.33 per thousand.
- The tax levy increase of \$1,402,747 represents 2.24% more than the current year.

What is Next

- Adoption of the Town Council budget by Ordinance is June 1st and June 15th.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 1
Amend No. _____

Date Prepared: May 20, 2020
Council Meeting Date: June 1, 2020

TO: James Tierney, Town Manager
FROM: Christine Spagnoli, Finance Director
SUBJECT: Real Estate Abatement

RECOMMENDATION:

That the Town Council approve the real estate abatement in the amount of \$3,772.59.

SUMMARY:

This Real Estate abatement concerns:

- (1) A Settlement Agreement for a 2010 court case was approved, signed and executed on May 12, 2020, by the Taxpayer(s) and The Town of Narragansett. (See the attached).

ATTACHMENTS:

- (1) Copy of spreadsheet for real estate abatement
- (2) Settlement Agreement, dated May 12, 2020

SETTLEMENT AGREEMENT

This Settlement Agreement is executed between the Town of Narragansett ("Town") and James E. O'Neil and Anne W. O'Neil ("Taxpayer").

WHEREAS, Taxpayer owns the property located in the Town, which property is designated by the Tax Assessor as Plat NJ, Lot 18, also known as 155 Cliff Drive, Narragansett, Rhode Island (the "Property"); and

WHEREAS, Taxpayer has filed a lawsuit against the Town seeking to have the Town's tax assessment and resulting tax bill reduced for the year 2010, said action being captioned *James E. O'Neil and Anne W. O'Neil, et. al. v. John Majeika, in his capacity as Tax Assessor*, WC-2011-0007 (the "Action"); and

WHEREAS the Town has denied all of the substantive allegations in the Action; and

WHEREAS, the parties wish to resolve their differences without additional costs and burdens associated with further litigation.

NOW THEREFORE, for valuable consideration, the receipt of which each party acknowledges, the parties agree as follows:

1. The assessment of the Property as of December 31, 2009, shall be changed to two million dollars (\$2,000,000.00). Accordingly, the Town shall rebate the Taxpayer for fiscal year 2010 the amount of \$3,772.59 (the "Rebate"). The Rebate shall be applied to the Taxpayer's fourth quarter 2020 fiscal year tax payment. In the event the Rebate exceeds the Taxpayer's fourth quarter 2020 fiscal year tax payment, such excess amount shall be applied to the Taxpayer's next fiscal year tax payment and consecutive, successive tax quarters thereafter until the Rebate is exhausted.

2. The parties will, within seven (7) days of the Effective Date, submit dismissal stipulations to the Court dismissing the Action with prejudice, no interest or costs.

3. Taxpayer and the Town each agree to bear their own costs and attorneys' fees with respect to this Action and no interest shall be applied to the Rebate.

4. Taxpayer and the Town each represent that they have full right, power and authority to enter into this Agreement and that the person executing this Settlement Agreement on its behalf has the full right and authority to fully commit and bind it.

5. Taxpayer and the Town each represent and warrant that they have received independent legal counsel with respect to the advisability of executing this Settlement Agreement.

6. This Settlement Agreement is made in accordance with the laws of the State of Rhode Island.

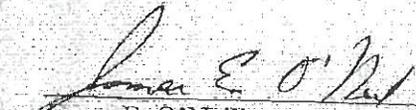
7. The terms of this Settlement Agreement shall be binding upon and inure to the benefit of each of the parties hereto and the parties' respective agents, representatives, attorneys, employees, predecessors, successors, heirs, assigns, executors, administrators and/or any other person or persons who may in any manner claim an interest in the Settlement Agreement/Property hereof through any parties.

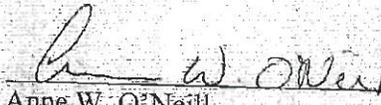
8. This Settlement Agreement shall be effective (the "Effective Date") as of the later of: (i) the date upon which the Taxpayer delivers an executed copy of this Settlement Agreement to the Town; and (ii) and the date upon which the Town delivers an executed copy of this Settlement Agreement to the Taxpayer.

9. This Settlement Agreement may be signed in one or more counterparts, each such counterpart being as fully effective as if a single original had been signed but all of which taken together shall constitute one and the same document. Copies, including '.pdf' signatures, shall be accepted and deemed originals.

IN WITNESS WHEREOF, the parties hereto have executed this Settlement Agreement
on the date last noted below.

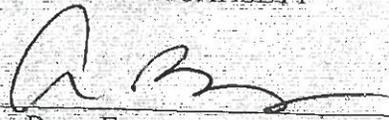
TAXPAYERS


James E. O'Neill


Anne W. O'Neill

Dated: 5/12/2020

TOWN OF NARRAGANSETT

by: 
Andrew Berg, Esq.
Assistant Town Solicitor

Date: 5/12/2020

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 2

Amend No. _____

Date Prepared: May 5, 2020

Council Meeting Date: June 1, 2020

TO: James Tierney, Town Manager
FROM: Sean Corrigan, Police Chief
PREPARED BY: Susan W. Gallagher, Purchasing Manager
SUBJECT: Department of Attorney General Fingerprint Billing

RECOMMENDATION:

That the Town Council approves the cost of fingerprints processed through the Department of Attorney General (State of Rhode Island), in the amount of \$35.00 each for 2020/2021.

SUMMARY:

The Police Department processes approximately 14 to 15 fingerprint cards per month through the Department of Attorney General. The estimated annual cost is approximately \$6,100.00. The fingerprint applicant pays a \$35.00 fee so the cost is recouped.

Funding is available in the Police Administration Operating Account #0001511 50201, Professional Services.

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 3

Amend No. _____

Date Prepared: May 6, 2020
Council Meeting Date: June 1, 2020

TO: James Tierney, Town Manager
FROM: Sean Corrigan, Police Chief
PREPARED BY: Susan W. Gallagher, Purchasing Manager
SUBJECT: Digital Logging Recorder Maintenance Agreement Extension

RECOMMENDATION:

That the Town Council approves a one-year service contract for the Police Department's digital logging recording system with Business Electronics, in the amount of \$1,890.00 and authorizes the Town Manager to sign the contract after review by the Town Solicitor.

SUMMARY:

The Department of Public Safety utilizes a digital logging recorder in order to record and archive radio and telephone communications.

The original bid for the equipment along with a five (5)-year service agreement (ending on May 31, 2019) was awarded by the Town Council on April 21, 2014. A one (1)-year extension was awarded by the Town Council on May 6, 2019. At this time, a one (1) - year extension is being requested and bids will be solicited for a new recording device in the next fiscal year.

Funding is available in the Police Dispatch Operating Account #0001500 50506, Equipment Maintenance & Repair (\$1,500.00) and Police Administration #0001511 50506 (\$390.00), Equipment Maintenance & Repair.

ATTACHMENTS:

1. Business Electronics Invoice # 406100
2. Business Electronics Maintenance Agreement for period 6/1/2020 – 5/31/2021.



"business electronics"
BEI Holdings, Inc.

6 Capital Drive Wallingford, CT 06492
Branch Offices: Milford, MA • Parsippany, NJ
Tel: 203-741-9300
Fax: 203-741-9291
Web: www.beiinc.com

VERINT

March 18, 2020

Town of Narragansett
Attn: Kathy Taylor – A/P
25 Fifth Avenue
Purchasing Dept.
Narragansett RI 02882

Re: Narragansett Police Department – VERINT Call Recording Equipment Maintenance

The Annual Maintenance Agreement on your Interview Recording equipment will expire on 6/1/2020. Enclosed is a copy of the invoice along with a copy of the Annual Maintenance Agreement, with enhanced 24x7x365 coverage.

To continue your coverage by the Annual Maintenance Agreement, return the signed Agreement and issue payment in full, within 30 days to avoid any interruption of service.

Please contact our office if there are any further questions.

Sincerely,

Anna Bartoli
Contracts Administrator
1-800-366-2341 x1561



enclosures



6 Capital Drive
Wallingford, CT 06492
Tel: 203-741-9300
Fax: 203-741-8291
Help Desk: 203-741-9302
Web: www.beiinc.com

Sales with Service, since 1976!

Invoice

Number: **406100**
Date: **3/18/2020**

For the period from 6/1/2020 thru 5/31/2021

Bill-To

**Attn: Kathy Taylor-A/P
Town of Narragansett
25 Fifth Avenue
Purchasing Dept.
Narragansett, RI 02882 Out of Territory!**

Ship-To

**Attn: Sean Corrigan
Narragansett Police Department
40 Caswell Street
Narragansett, RI 02882 Washington**

Contract Details

<u>Contract</u>	<u>Start Date</u>	<u>End Date</u>	<u>Reference</u>	<u>Terms</u>	<u>A/R Cust. No.</u>	<u>PO No.</u>
216445	6/1/2020	5/31/2021	NARRAG3A	Net 20	Town of Narragansett	

Coverage Type: M7F-BEI Full Parts & Labor 24x7

BEI Contract for Verint Voice Recording Equipment

\$1,890.00

Item Total: **\$1,890.00**

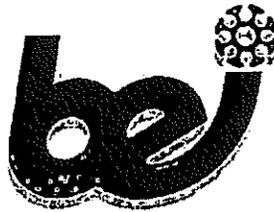
Total Amount Due: \$1,890.00

Maintenance Agreement

Between

Narragansett Police Department

and



"business electronics"
BEI Holdings, Inc.

**Regarding the Maintenance Coverage
for the
VERINT RECORDING EQUIPMENT**

Installed at:

40 Caswell Street

Narragansett RI 02882

Period Covering

6/1/2020 to 5/31/2021

24x7x365

Headquarters:

6 Capital Drive, Wallingford CT 06492

**Main Tel. # 1-800-444-7372 • Fax: 203-741-9291
HelpDesk: 203-741-9302 or 1-844-647-7893**

Branch Offices:

Milford, MA & Parsippany, NJ

BEI Maintenance Service Agreement

for

VERINT RECORDING EQUIPMENT

Maintenance Service Agreement between BUSINESS ELECTRONICS (hereinafter described as "BEI"), 6 Capital Drive, Wallingford, CT 06492, and Narragansett Police Department, hereinafter described as the "CUSTOMER" of VERINT RECORDING EQUIPMENT here and after described as "EQUIPMENT" and which is inclusive of items listed as part of this document. VERINT hereinafter will be described as the "MANUFACTURER". WHEREBY IT IS AGREED AS FOLLOWS:

1-Warranty BEI warrants that the EQUIPMENT operates within the MANUFACTURER's specification and has been comprehensively inspected by an engineer trained by the MANUFACTURER. BEI will provide a one-year full parts (Hardware & Software) and labor warranty (24x7x365) from the date of installation at no additional cost. All terms and conditions apply for the warranty as are stated for the Maintenance Service Agreement.

2-Routine Visits BEI will make routine visits as specified in the Service Schedule, Appendix 3, to examine, test, and adjust the EQUIPMENT, and to maintain the EQUIPMENT in good working order in accordance with the Service Schedule, Appendix 1, appended hereto.

3-Service Visits BEI will provide telephone technical advice and service to assist in clearance of minor faults, which do not warrant the visit of an engineer, free of additional charge. BEI will additionally make service visits on request of the CUSTOMER. Such service visits shall be free of additional charge to the CUSTOMER, except where such visits should prove the failure not to be caused by a defect with the EQUIPMENT. In this event, the CUSTOMER shall pay to BEI at its address stated above the appropriate charges for labor and travel. This service will be available between the hours shown in the Service Schedule, Appendix 3, paragraph 2, appended herewith.

4-Software Maintenance Updates BEI will provide CUSTOMER with "Hot Fix" Maintenance updates licensed by the software manufacturer. Installation of any Software Maintenance Update will be performed during Normal Business Hours, as stated in "Appendix 3" of this agreement. If CUSTOMER requests that Software Maintenance Updates performed outside of Normal Business Hours, BEI's performance of such services shall be subject to BEI's current service and material rates.

5-Software Feature Enhancement Upgrades As new product ("Feature Enhancement Upgrades") become available by the MANUFACTURER, they will be presented to the CUSTOMER and the Software Feature Enhancement Upgrade will be either provided as part of a separate MANUFACTURER's agreement that includes "Software Assurance" as part of its coverage or the CUSTOMERS will be offered this upgrade at an additional cost. Any Software Feature Enhancement Upgrade provided to the CUSTOMER under any MANUFACTURER "Software Assurance" coverage will require BEI professional services to install and implement the Software Feature Enhancement Upgrade. BEI's performance of such services shall be subject to BEI's current service and material rates.

6-Software Licenses BEI will warranty all software site licenses. The CUSTOMER will have unlimited use of the site license within the facility. BEI will provide upgrades at additional costs when they are made available from the manufacturer. Upgrades will be performed during BEI's normal business hours (M-F 9:00am to 5:00pm). If the CUSTOMER should need the upgrade done after hours,

BEI's current service rates will be used for such services. The CUSTOMER shall not duplicate the software from its original to be used at another facility. If the software is added to or altered, then BEI may make appropriate variations in the charges payable under Clause 10 with prior written notification. BEI warrants that it has the right to provide CUSTOMER with Licenses to use all of the software that BEI provides to CUSTOMER, subject to the terms of this Agreement. BEI shall indemnify and hold CUSTOMER harmless any claim or action alleging that any of such software infringes any patent, copyright, or other proprietary right of any third party.

7-Repair and Replacements - LOANER AT NO CHARGE

As may be necessary, BEI will repair or replace all defective components, except archive media, (i.e. DAT, VXA, AIT, DVD, BLUE RAY etc.). Such repair or replacement shall be at no additional charge to the CUSTOMER except if caused by accident or negligence or improper use on the part of any person other than the staff of BEI or if caused by unsuitable electricity supply. All defective component parts so replaced shall become BEI's property. MANUFACTURER approval must be used to keep the Maintenance Service Agreement in force.

8-General Titles and paragraph headings are for convenience references and are not part of this agreement. This agreement contains the relating subject matter hereof. No waiver of any breach of any provision of this agreement shall constitute a waiver of any prior concurrent or subsequent breach of the same or any other provision hereof and no waiver shall be effective unless made in writing.

9-Liability The CUSTOMER agrees that notwithstanding the form in which any legal or equitable action may be brought, the liability of BEI if any, arising out of or in any way related to its performance of the services provided herein shall be limited to general money damages in an amount not to exceed the total amount paid for such services. Neither party shall be liable to the other for loss of profits, special consequential or exemplary damages, even if such party has advised of the possibility of such damages, except for violation of the section "Employment" section of the agreement.

In the event that any provision of this Agreement shall determine to be illegal or otherwise unenforceable, such provision shall be severed and the balance of the Agreement shall continue in full force and effect provided, however, that either party may terminate this agreement within (30) days after such determination, except for a violation of the "Employment" section of this agreement, which shall continue in force for the term specified.

The CUSTOMER agrees that the equipment provided by BEI will be used in a manner consistent with local, state and federal laws and regulations, and will indemnify and hold harmless BEI from litigation arising out of the equipment misuse.

10-CUSTOMER's Undertakings

- a. Keep and operate the EQUIPMENT in a proper and prudent manner and will be readily accessible for visits.
- b. Maintain the required MANUFACTURER's 2nd Tier support agreement which allows BEI access to the MANUFACTURER's technical helpdesk & development support services. Failure to do so will result in additional charges, if BEI requires MANUFACTURER's assistance to resolve any service issue.
- c. Promptly notify BEI at the above address of any change in location of the EQUIPMENT.
- d. Make all payments due hereunder to BEI at BEI's address above stated within 30 days of the date CUSTOMER receives invoices to be payable hereunder.
- e. Promptly notify BEI at such address as BEI may stipulate from time to time of faults or defects in the EQUIPMENT.
- f. Provide an adequate and suitable electricity supply in accordance with advice given by BEI to the CUSTOMER.
- g. Provide such minor maintenance as is required for normal day-to-day operation. Maintenance is specified in the manual provided with the EQUIPMENT.
- i. Use for the operation and permitted CUSTOMER servicing of the EQUIPMENT (as defined by MANUFACTURER's instructions) only those materials and supplies (including lubricants) approved by MANUFACTURER.
- j. CUSTOMER abides by the additional guidelines set forth in Appendix 2.

11-Remote Access Capability The CUSTOMER is required to maintain some form of remote connectivity to the system. This connectivity can be via any of the following:

- A POTS (plain old telephone service)
- CUSTOMER may provide VPN Access or other means they can control
- BEI can provide an account for web based connectivity, which can be controlled by the customer.

Lack of remote access capability will delay response time and resolution and BEI cannot guarantee response times on servers where remote access is not permitted.

12-Condition of Equipment All equipment placed under Service Contract shall be certified by an authorized BEI representative to be in operating condition and not in need of immediate repair prior to acceptance of this Service Contract. If service is required to put the equipment in good working condition, charges will be made at our standard rates for such service.

13-Terms and Payment The terms of this Agreement shall commence as soon as the date set forth above and will cover a period specified under "contract dates". Payments due from the Customer to BEI hereunder shall be made on or before the effective commencement date of this Agreement. In the event payment is not made at said time, Customer will be billed for time and material at then current rates. BEI will offer renewal by tendering an invoice prior to the expiration date each year. Acceptance of the renewal will be affected by payments of the amount shown on the invoice within thirty (30) days. A finance charge of 1.5% per month will be added on any balance over thirty (30) days old. The prices and rates shown shall remain in effect and unchanged for the initial one-year term of this Agreement. At each renewal, terms may be updated and rate changes will become effective. Customer will have thirty (30) days' notice prior to renewal of any and all changes in terms and/or rates that will be in effect for the renewal term. The CUSTOMER shall not duplicate the software from its original to be used at another facility.

If the software is added to or altered, then BEI may make appropriate variations in the charges payable under Clause 11 "Customer's Undertakings" with prior written notification. BEI warrants that it has the right to provide CUSTOMER with License to use all of the software that BEI provides to CUSTOMER, subject to the terms of this Agreement. BEI shall indemnify and hold CUSTOMER harmless any claim or action alleging that any of such software infringes any patent, copyright, or other proprietary right of any third party.

14-Force Majeure The timeliness of performance by BEI of maintenance services hereunder or the performance of any other obligations of BEI under this Agreement is in every case subject to delays caused by an Act of God, war, riot, fire, explosion, accident, flood, sabotage, inability to obtain fuel or power, governmental laws, regulations or orders, acts or inaction of Customer, inability of BEI subcontractors to perform, or any other cause beyond reasonable control of BEI, or labor trouble, strike, lockout, or injunction (whether or not such labor event is within the reasonable control of BEI). In the event of any such delay, the period of time for performance of services affected by such delay will be extended to reflect the effective delay occasioned thereby.

15-Termination This contract may be terminated by either party on Thirty (30) days written notice to the other, and it may be terminated by BEI at any time without notice and without liability for default in payment or other breach by purchaser.

16-Assignment This contract shall not be transferred or assigned by purchaser without the prior written consent of BEI.

17-Change of Equipment Location In the event of transfer of an equipment covered by this Agreement to any other location, this Agreement will continue in force only with the prior written consent of BEI.

18-Charges The yearly charge described in the Service Schedule Appendix 3, paragraph 4, appended hereto will become payable to BEI at its address stated above on the first day of each contract year. The yearly renewal charge may not exceed the previous year's charge per unit by more than ten percent (10%). If customer terminates this agreement prior to the contract expiration date, BEI is not required to refund any pro-rated monies on the remainder of the service contract.

19-Variation of Charges If the EQUIPMENT is added to or altered then BEI may make appropriate variations in the charges payable with prior written notification.

20-Reinstallation & Alterations

- a. The CUSTOMER shall not, in any circumstances, reinstall, alter or add to the EQUIPMENT without BEI's consent (which shall not be unreasonably withheld). Any changes made to EQUIPMENT by the CUSTOMER resulting in service performed by BEI will void the warranty and the service call will be billable.
- b. At the CUSTOMER's request, BEI will, so far as is practicable, reinstall, move, alter, or add to the EQUIPMENT. These services are not covered under the warranty or the maintenance agreement. BEI may make appropriate charge for such services. BEI's current service rates will be used for such services (See Service Rates).

21-Employment During the term of this agreement, and for a twelve (12) month period thereafter, BEI and the CUSTOMER each agrees that it will not solicit for employment directly or indirectly any employee of the other who is or has been engaged in the development, maintenance, implementation or marketing of the equipment, without written consent of the other, which consent shall not be unreasonably withheld.

22-Notices All notices which either party hereto is required to give the other party shall be mailed, postage prepaid, by registered or certified mail. Notices shall be mailed to the respective party listed on the face of this agreement.

23-Consent to Solicitation The CUSTOMER consents to solicitation by BEI by email in accordance with applicable law. This consent shall survive the expiration of this agreement. In no event shall seller provide contact information to any third party, unless required to do so in fulfillment of this contract.

24-Governing Law The laws of the state of Connecticut shall govern this agreement and any issue arising there from.

Equipment List

**(Add Equipment or Attached list)*

Appendix 1 - Service Schedule
VERINT Equipment Maintenance Schedule

1. All Models: Check all electronics parameters of the **EQUIPMENT**. Renew or replace any defective circuit board assemblies to ensure correct operation of the **EQUIPMENT**.
2. All Models: Check the **EQUIPMENT** for external connection to outside signal sources and ensure fixtures and fittings associated with the **EQUIPMENT** are secure and operational.
3. All Models: Provide a preventative maintenance, annual inspection & cleaning of **EQUIPMENT**

NOTE: *THE PERFORMANCE OF RECORDING AND REPRODUCING EQUIPMENT IS GUARANTEED TO MEET SPECIFICATIONS ONLY WHEN MANUFACTURER'S APPROVED MEDIA, IN REASONABLE CONDITION IS USED.*

Appendix 2 - System Administration Policy

The policy/rules articulated below are necessary for the continuing proper operation of the Call Recording systems. Any deviation without permission from BEI will cause billable time for system troubleshooting and restoration.

- Security, Domain, Shares, Computer or User policies should not be pushed and/or assigned to any Server or user account maintained by BEI.
- The Windows Computer name is vital to the functionality of both the server and client software. It should not be changed without BEI's service.
- Any local user accounts may not be altered. This includes, but is not limited to, the password, account disabling, user rights or user name.
- Absolutely no Service Packs/Updates for Windows or SQL should be applied except by trained BEI technicians.
- No Security patches should be applied without contacting BEI first. This includes, but is not limited to, Microsoft Windows Security Patches, Internet Explorer Security Patches, and Antivirus Updates.
- BEI provided and installs Antivirus software for each machine and is specifically configured for use with BEI products. The customer must not alter the settings of the Antivirus software or update it without contacting BEI first.
- BEI does allow for integration into corporate Antivirus control using products such as products from Symantec, McAfee or TrendMicro. However, there are strict guidelines that must be followed for the integration and BEI must be involved in the set up and installation.
- Only software installed by BEI technicians should exist on any Server that is under a maintenance agreement with BEI. Most software is untested to work with our products and may cause unforeseen problems with machine or recording reliability. If the customer requires a product installed on the VERINT, the software must be presented to BEI for evaluation and study.
- Any change or software upgrade to any related subsystem (radio system, PBX, etc.) that provides data and/or audio to the recording systems, must be noticed to BEI at least 30 days before the change or upgrade is done to verify compatibility with the current recording system. BEI will not be responsible for any unverified changes or software upgrades that result in non-operation of the recording equipment.
- Customers are expected to maintain integration tables with add, move, and deletes. Additionally, if archiving to DVD is enabled, customers must reasonably change the DVDs as required. Customers are also expected to periodically (as necessary) clean dust filter and DVD drives with DVD cleaning disks on a monthly basis.

Appendix 3 - Service Schedule
Schedule of Maintenance Service Times and Charges

1. Routine Visits

ONE CLEANING PER YEAR AND/OR INSPECTIONS & ADJUSTMENTS

To be made on weekdays, Monday to Friday (except for public holidays), during normal working hours (i.e., between 9:00 am and 5:00 pm). Routine visits will be made at regular intervals on dates to be mutually agreed between BEI and the CUSTOMER.

2. Service Visits

To be available 24x7x365, Normal response time in event of single drive failure - 24 hours.
Response time to complete dual drive or more than 50% of system failure will be a maximum of 8 hours.

3. Maintenance Schedule

As in Appendix 1 attached.

4. Coverage Period Payment Schedule

The total annual charge for the facility and services described in the Agreement and the Schedule is \$1,890.00 for the period 6/1/2020 through 5/31/2021.

AS WITNESS the hands of the parties hereto:

Signature:

For and on behalf of
Narragansett Police Department

Print Name: _____

Title: _____

Date: _____

Narragansett Police Department
40 Caswell Street
Narragansett RI 02882

Signature:

Anna Bartoli

For and on behalf of:
BUSINESS ELECTRONICS
Anna Bartoli
(203) 741-9356 or Anna.Bartoli@beiinc.com

Title: Contracts Administrator

Date: March 18, 2020

EQUIPMENT TYPE: VERINT RECORDING EQUIPMENT

Invoice # 406100

PLEASE SIGN AND FAX TO 203-741-9291 OR EMAIL TO anna.bartoli@beiinc.com



6 Capital Drive Wallingford, CT 06492
 Branch Offices: Milford, MA • Parsippany, NJ

Tel: 203-741-9300
 Fax: 203-741-9291
 Web: www.beiinc.com

Safes with service, since 1976!

Items Covered by Agreement

No: 216445

As of: 3/18/2020

Narragansett Police Department 40 Caswell Street Narragansett, RI 02882

Qty of Items Covered	Item Description
1	Audiolog DP6409 T1/E1 Passive Tap, dual port card
1	Audiolog LD2A809 Board, 8 Analog Ports
1	Audiolog LD2A809 Board, 8 Analog Ports
2	800w Power Supply
1	Audiolog Sever License for Version 5
33	Verint Operational Recording License
1	Audiolog System Dongle
1	Verint Audiolog 5000 Series MAX-PRO Quad Core VoIP
1	Upgrade 5000 from Windows XP to Windows 2008 Server w/ 5 CAL
1	Adaptec ASR-2405 PCI-e RAID Controller
1	Audiolog DVD Drive
2	2GB Internal RAM
1	Seagate 300GB SAS Hard Drive
1	Seagate 300GB SAS Hard Drive
1	Seagate 300GB SAS Hard Drive
Total Number of Items Covered on Contract for Account: Narragansett Police Department: 15	

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 4

Amend No. _____

Date Prepared: May 12, 2020

Council Meeting Date: June 1, 2020

TO: James Tierney, Town Manager
FROM: Michael DeLuca, Community Development Director
PREPARED BY: Susan W. Gallagher, Purchasing Manager
SUBJECT: GIS Online Hosting Subscription FY 2020/21

RECOMMENDATION:

That the Town Council approves the GIS Online Hosting Subscription from Applied Geographics, Inc. in the amount of \$3,000.00 for Fiscal Year 2020/21.

SUMMARY:

In 2014, AppGeo was awarded a contract to update the GIS system through a competitive bid process. This project included providing a one-year contract to have an online GIS website available to the public. This website went “live” in November, 2018. This annual contract covers the time period of July 1, 2020 – June 30, 2021.

This request to host the online GIS application will allow the public to continue to access the Town’s online GIS mapping service. The online mapping service provides the general public access to view the various layers of information the Town has acquired. This viewable information includes, but is not limited to, the Town’s Zoning and Future Land Use maps, flood zone information and historic district information, as well as other State themes, including Hurricane Inundation and NOAA Navigational charts.

Since this application has been available, hundreds of “visitors” have used the site each month. This is an invaluable service to not only the general public, but also to the business and building community who can access vital information in preparation for a project.

Funding is available in the FY 2020/2021 Community Development Operating Account #0001410 50311, Licenses & Dues.

ATTACHMENTS:

1. Quote from AppGeo, expires June 30, 2020.



MapGeo Renewal Quote

Applied Geographics, Inc

33 Broad Street, 4th Floor
Boston, MA 02109

Quote Number: 846544000033255387

Project Number: 2020-2468

Quote Valid Until: Jun 30, 2020

Account Name: Town of Narragansett RI

Contact Name: Jill Sabo

BILL TO

Town of Narragansett RI
25 Fifth Avenue
Narragansett, RI 02882

SHIP TO

Town of Narragansett RI
25 Fifth Avenue
Narragansett, RI 02882

List Price Items

#	Description	Price	Qty	Total
1.	MapGeo Subscription - BronzeTier (MG-SUB-BRZ) MapGeo subscription fee - Bronze tier Includes up to 30 data layers and 15,000 primary features	\$ 3,000.00	1	\$ 3,000.00

Discount	\$ 0.00
Grand Total	\$ 3,000.00



MapGeo Renewal Quote

Applied Geographics, Inc

33 Broad Street, 4th Floor
Boston, MA 02109

Quote Number: 846544000033255387

Project Number: 2020-2468

Quote Valid Until: Jun 30, 2020

Account Name: Town of Narragansett RI

Contact Name: Jill Sabo

Subscription Period: Jul 1, 2020 to Jun 30, 2021

Billing Instructions: Subscription costs will be invoiced at the start of the subscription year.

Special Instructions:

Terms and Conditions:

AppGeo will provide the following services during this subscription period:

1. 24/7 access to a single instance of MapGeo hosted in AppGeo's production hosting environment
2. Maintenance of site configuration such as default settings, site logins, and site contact information
3. System management and application support to monitor and maintain site to ensure optimal performance.
4. A detailed monthly web statistics report on site utilization emailed to the customer.
5. Ongoing enhancements and version upgrades to MapGeo's functionality.
6. Maintenance of MapGeo's compatibility with the latest two versions (current version and one prior version) of the following web browsers:
 - Mozilla Firefox
 - Microsoft (currently Edge and Internet Explorer 11)
 - Google Chrome
 - Safari

Signed by:

Town of Narragansett RI

Name: _____

Title: _____

Date: _____

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 5
Amend No. _____

Date Prepared: May 6, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Steve Wright, Director Parks and Recreation
PREPARED BY: Susan W. Gallagher, Purchasing Manager
SUBJECT: Replacement of Lifeguard Room Door

RECOMMENDATION:

That the Town Council approves the door replacement at the South Pavilion lifeguard room of the Town Beach to be completed by Abcore Restoration Company, Inc. in the amount of \$3,875.00.

SUMMARY:

The rest room door of the south pavilion lifeguard room of the Town Beach was originally installed in the 1990's. The existing door is a painted metal frame and metal door and has lasted thirty years. The door has deteriorated where it is unable to open properly when closed and is a safety concern for staff. This is the only private shower and toilet facility available to the lifeguard staff at the beach. Abcore Restoration Company, Inc. provided two options for replacement, one metal door and frame and one fiberglass door and frame. Even though the existing metal door lasted thirty years, the Department of Parks and Recreation believes the investment and purchase of the fiberglass door and frame for an extra \$1,025.00 provides quality and longevity in the salt air ocean environment.

Abcore Restoration Company, Inc. holds the current contract for General Construction Services as awarded by Town Council on October 7, 2019 (and TC approved a one-year extension on May 18, 2020).

Funding is available in the Beach Enterprise Fund Account # 0034 50610, Other Improvements.

ATTACHMENTS:

1. Abcore estimate dated 5/5/2020.

Phone (401) 952-5857
 Fax (401) 782-2578

abc@cox.net
 www.abcorerestoration.com

ABCORE RESTORATION
 COMPANY, INC.

2 SECLUDED DRIVE
 NARRAGANSETT, RI
 02882

Estimate

Date	Estimate #
5/5/2020	12

Name / Address
Town of Narragansett Steve Wright & Joe Harvey Parks & Recreation Narragansett, RI 02882

Project
Bathroom Door 2020

Description	Qty	Total
Town of Narragansett South Pavilion Bathroom Door Option #1 Remove existing concrete filled steel jamb and steel door Install new steel door and frame Total Option #1 \$2,850.00 Option #2 Remove existing concrete filled steel jamb and steel door Install new fiberglass composite door and frame Total Option #2 \$3,875.00		
Total		\$0.00

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 6

Amend No. _____

Date Prepared: May 18, 2020
Council Meeting Date: June 1, 2020

TO: Honorable Town Council
FROM: James R. Tierney, Town Manager
SUBJECT: Capital Improvement Plan

RECOMMENDATION:

That the Town Council ADOPTS a Resolution approving the Capital Improvement Plan.

SUMMARY:

In accordance with Section 6-2-4 of the Town Charter, Capital Improvement Plan, a six-year capital improvement plan shall be submitted to the Council for a six-year period.

The plan shall be revised and extended each year with regard to new capital improvements and capital improvements that are still pending or in process of construction or acquisition.

Section 6-2-5 of the Town Charter requires the Town Council to adopt the capital improvement plan by resolution.

ATTACHMENTS:

1. Proposed Resolution

**A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PLAN
FOR FY 2020-2021 THROUGH FY 2025-2026**

WHEREAS, Article 6 Chapter 2 Financial Provisions of the Town Charter provides a procedure to establish the budget and capital improvement plan for the Town of Narragansett; and

WHEREAS, the Capital Improvement Plan shall be submitted to the Town Council with the proposed capital improvements and expenditures during six fiscal years ensuing; and

WHEREAS, the budget for fiscal year 2020-2021 shall begin July 1, 2020 through June 30, 2021 which includes an updated capital improvement plan;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town Narragansett that the attached Capital Projects and Programs for FY 2020-2021 through FY 2025-2026 as required by Section 6-2-5 of the Town Charter is hereby approved as amended.

ADOPTED this 1st day of June, 2020.

TOWN OF NARRAGANSETT

Matthew M. Mannix
Town Council President

ATTEST:

Theresa C. Donovan, CMC
Town Clerk

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 7

Amend No. _____

Date Prepared: May 18, 2020

Council Meeting Date: June 1, 2020

TO: The Honorable Town Council

FROM: James Tierney, Town Manager

SUBJECT: Appropriation Ordinance for FY 2020-2021

RECOMMENDATION:

That the Town Council INTRODUCES, READS AND ACCEPTS as a First Reading the Appropriation Ordinance for the 2020-2021 Fiscal Year.

SUMMARY:

Attached is the Appropriation Ordinance for the 2020-2021 Fiscal Year.

ATTACHMENTS:

1. Appropriation Ordinance for FY 2020-2021

TOWN OF NARRAGANSETT
CHAPTER __

AN ORDINANCE OF THE TOWN OF NARRAGANSETT, PROVIDING THAT THE CODE OF ORDINANCES OF THE TOWN OF NARRAGANSETT, RHODE ISLAND BE AMENDED BY THE ENACTMENT OF THE BUDGET FOR THE TOWN OF NARRAGANSETT FISCAL YEAR BEGINNING THE 1ST DAY OF JULY 2020 AND ENDING THE 30TH DAY OF JUNE 2021 AND MAKING APPROPRIATIONS OF SAID TOWN TO SAID FISCAL YEAR AND ORDERING THE ASSESSMENT AND LEVY OF TAXES ON THE ASSESSMENT ROLL PREPARED BY THE TAX ASSESSOR OF SAID TOWN AS OF DECEMBER 31, A.D. 2019.

It is ordained by the Town Council of the Town of Narragansett as follows:

SECTION 1. The following budget for the Town of Narragansett for the fiscal year of said Town of Narragansett beginning July 1, 2020 is hereby enacted and adopted as follows; and the following appropriations are hereby made in the amounts of money set opposite the respective purpose for which the same are made.

2020 - 2021 BUDGET

GENERAL FUND
REVENUES

GENERAL PROPERTY TAXES	
Current Year Collections	\$54,174,603
Prior Year Collections	<u>\$250,000</u>
TOTAL TAX COLLECTIONS	\$54,424,603
INVESTMENT & INTEREST INCOME	
Interest on Delinquent Taxes	\$153,000
Earnings from Investments	<u>\$187,500</u>
TOTAL INVESTMENT & INTEREST INCOME	\$340,500
INTERGOVERNMENTAL	
Motor Vehicle Phase-Out	\$337,688
Fed PILOT/Revenue Sharing	\$71,000
Share of Beach Parking Fees	\$190,000
Share of Telephone Tax	\$196,636
Share of Hotel Tax	\$278,120
Share of Meal Tax	\$731,437
School Housing Aid	<u>\$455,059</u>
TOTAL STATE AND FEDERAL AID	\$2,259,940

PILOT PAYMENTS

Beach Fund	\$233,424
Housing Authority	\$1,590
Water Fund	\$26,593
Wastewater Fund	\$379,479
Charter School	<u>\$8,000</u>
TOTAL PILOT PAYMENTS	\$649,086

INTERFUND REVENUES

Water Fund: Admin Assessment	\$201,206
Wastewater Fund: Admin Assessment	\$472,647
Beach Fund: Admin Assessment	\$296,923
School Vehicle Maint and Police Protection	\$155,000
Rental Registration Transfer	<u>\$148,300</u>
TOTAL INTERFUND PAYMENTS	\$1,274,076

LICENSES AND PERMITS

Town Clerk: Alcohol Beverage Licenses	\$38,000
Inspection Services: Building Permits	\$350,000
Public Works: Road Open Permits	<u>\$2,000</u>
TOTAL LICENSES & PERMITS	\$390,000

FINES & FORFEITURES

Police: Fees & Fines	\$15,000
Municipal Court: Fines & Fees	<u>\$400,000</u>
TOTAL FINES & FORFEITURES	\$415,000

MISCELLANEOUS REVENUES

Police: Finger Print Receipts	\$4,000
Har Master: Rental of Moorings	\$59,000
Plan Board: Variance & Exception Fees	\$10,000
Police: VIN Inspection Fees	\$5,000
Fire: Fire Alarm Inspection Fees	\$10,000
Town Clerk: General Receipts	\$688,753
Police: Special Detail Receipts	\$125,000
Cellular Tower Rents	\$160,000
Other or Miscellaneous Receipts	\$40,000
Fire: Emergency Medical Services	\$450,000
Police: Miscellaneous Receipts	\$20,000
Concessions	\$2,650
Recycling Revenue & Tipping Fees	\$52,000
Fire Marshal's Plan Reviews	<u>\$15,000</u>
TOTAL MISC. RECEIPTS	\$1,641,403

PARKS & RECREATION RECEIPTS

Community Center Rents	\$8,000
General / Misc Receipts	\$10,000
Park Rental Receipts	\$5,000
Basketball Receipts	\$40,000
Workshop Receipts	\$25,000
The Camp	<u>\$70,000</u>
TOTAL PARKS & RECREATION RECEIPTS	\$158,000

OTHER FINANCING SOURCES

Fund Balance Appropriation	<u>\$0</u>
TOTAL OTHER FINANCING SOURCES	\$0

TOTAL GENERAL FUND REVENUE **\$61,552,608**

GENERAL FUND

EXPENDITURES

Town Council	\$60,416
Town Solicitor	\$175,000
Boards and Commissions	\$19,650
Town Manager	\$298,126
Human Resources	\$153,739
Town Clerk	\$471,405
Municipal Court	\$228,469
Board of Canvassers	\$127,810
Finance and Purchasing	\$416,629
Accounting	\$488,759
Tax Collections	\$336,781
Tax Assessor	\$439,336
Information Technology	\$543,679
Community Development	\$470,476
Building Inspection	\$339,414
Dispatching	\$1,085,308
Police	\$7,776,270
Animal Control	\$216,518
Harbor Master	\$49,627
Fire	\$6,182,533
Emergency Management	\$24,160
Engineering	\$335,531
Public Works Administration	\$436,089
Recycling	\$48,669
Facilities Maintenance	\$216,989
Highway Maintenance	\$2,026,885
Vehicle Maintenance	\$732,228

Park and Recreation Administration	\$237,662
Parks Maintenance	\$862,258
Recreation Programs	\$331,132
Park and Recreation Senior/Community Center	<u>\$194,159</u>
OPERATING DEPARTMENTS TOTAL	<u>\$25,325,707</u>
Transfers	\$8,431,689
Education Transfer	\$26,669,361
Townwide Expenses	\$660,339
Contingency	\$300,000
Special Appropriations	<u>\$165,512</u>
TOTAL GENERAL FUND BUDGET	\$61,552,608

EDUCATION
EXPENDITURES

Salaries	\$17,339,981
Employee Benefits	\$7,906,245
Pur Prof & Tech Services	\$1,093,835
Purchased Property Serv	\$515,978
Other Purchased Services	\$2,210,517
Supplies & Materials	\$1,208,228
Property	\$460,853
Dues, Fees-Othr Misc Exp	\$77,752
Transfer to Food Service	\$30,000
Transfer to OPEB	\$400,000
Transfer to Capital	<u>\$1,038,050</u>
TOTAL EXPENSES	<u>\$32,281,439</u>

EDUCATION
REVENUES

State Aid	\$2,298,965
Charges for Services	\$1,000,000
Other Revenue	<u>\$15,000</u>
Total School Revenues	\$3,313,965
Town Appropriation	\$26,669,361
Use of Fund Balance	<u>\$2,298,113</u>
TOTAL REVENUE	<u>\$32,281,439</u>

WATER FUND
REVENUES

Appropriated Reserve	\$8,890
Current Year Receipts	\$2,100,000
Interest Delinquent Payments	\$10,000
Interest Investment	\$20,000
Miscellaneous Receipts	\$10,000

Hydrants	<u>\$49,000</u>
TOTAL WATER REVENUE	\$2,197,890

WATER FUND
EXPENDITURES

Personnel	\$879,514
Operating	\$1,109,376
Capital	<u>\$209,000</u>
TOTAL WATER EXPENDITURES	\$2,197,890

WASTEWATER FUND

REVENUES

Appropriated Reserve	\$241,118
Current Year Receipts	\$3,370,000
Interest Delinquent Payments	\$27,000
Interest on Investments	\$46,000
Pretreatment Revenue	\$33,000
Miscellaneous Receipts and Inflow	\$5,000
Sewer Permits	\$2,000
State Revenue	\$750,000
Lot Develop Fee Apportion	\$10,000
Lot Develop Fee Billing	\$115,000
North End Assessment Billing	\$540,000
Assessment Interest & Apportionment	\$50,000
Sewer Inflow-Infiltration	<u>\$10,000</u>
TOTAL WASTEWATER REVENUE	\$5,199,118

WASTEWATER FUND

EXPENDITURES

Personnel	\$1,451,209
Operating	\$2,566,748
Capital	\$1,002,230
Debt Service	<u>\$178,931</u>
TOTAL WASTEWATER EXPENDITURES	\$5,199,118

BEACH FUND

REVENUES

Appropriated Reserve	\$837,405
Miscellaneous Receipts	\$41,000
Concerts & Fireworks	\$11,330
Passes/Adult	\$85,625
Parking/Seasonal	\$175,145
Parking/Daily	\$210,144
Daily Admissions	\$941,696
Concession	\$188,851
Passes/Youth	\$7,695

North Beach Cabanas	\$207,500
North Beach Pavilion	\$184,100
North Beach Club House	\$55,000
Guest Passes	\$194,000
Passes/ Senior	\$15,220
South Pavilion Seasonal Locker	\$98,050
Beach Tent Rental	<u>\$13,392</u>
TOTAL BEACH FUND REVENUES	\$3,266,153

**BEACH FUND
EXPENDITURES**

Personnel	\$1,075,101
Operating	\$974,052
Capital	<u>\$1,217,000</u>
TOTAL BEACH FUND EXPENDITURES	\$3,266,153

**MIDDLEBRIDGE RECREATION FUND
REVENUE**

Appropriated Reserve	\$0
Residential Rents	\$35,000
Har Master-Slip Rents	\$25,375
Miscellaneous Receipts	\$0
Concessions-Kayak Rent	<u>\$32,500</u>
Total Operating Revenue	\$92,875
Transfer-General Fund	<u>\$0</u>
TOTAL REVENUE	\$92,875

**MIDDLEBRIDGE RECREATION FUND
EXPENDITURES**

Operating	\$92,875
Debt Service	<u>\$0</u>
TOTAL EXPENDITURES	\$92,875

Section 2. There is hereby levied and ordered the assessment and the collection of a tax on the ratable real estate and tangible personal property and a tax on the registered motor vehicles and trailers in the Town of Narragansett between the sum of \$53,000,000 and \$57,000,000. Said tax is for ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said Town, and for other purpose authorized by law. The Assessor shall assess and apportion said tax on the inhabitants and ratable property of said Town as of the 31st day of December 2019 at the close of business, according to law, and the resulting tax roll, certified by the Assessor, shall be delivered to the Town Clerk no later than the 30th day of June 2020. The Town Clerk on receipt of said assessment, shall forthwith issue and affix to said copy of warrant

under her hand directed to the Collector of taxes of said Town commanding her to proceed and collect said tax of the persons and estates liable therefore.

Real and personal property taxes upon assessed valuations determined by the Tax Assessor as of December 31, 2019 and taxes upon registered motor vehicles and trailers assessed upon valuations determined by the Tax Assessor as of December 31, 2019, shall be due and payable on and between the 1st of July and the 31st day of July 2020. All taxes remaining unpaid after said 31st day of July 2020 shall carry until collected a penalty at the rate of twelve (12%) percent per annum upon each unpaid tax; provided, however, as follows:

Except as provided for below, said tax may be paid in quarterly installments, the first installment of twenty-five (25%) percent on or before the 31st day of July 2020 and the remaining installments as follows:

Twenty-five (25%) percent on or before the 31st day of October 2020

Twenty-five (25%) percent on or before the 31st day of January 2021

Twenty-five (25%) percent on or before the 30st day of April 2021

Each installment of taxes, if received by the Tax Collector on or before the last day of each installment period successively and in order, shall be free from any charge for interest.

Installment periods are the months of July, October, January and April. When the last day of an installment period falls on a weekend, then the following Monday will be considered the last day, however, for walk-in payments only.

If the first installment or any succeeding installment of taxes is not received by the Tax Collector by the last day of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and shall carry, until collected, a penalty at the rate of twelve (12%) percent per annum from July 1st; provided, however, that any customer or taxpayer who had forfeited the right to quarterly installments because of late payment of installments shall regain the right to quarterly installments for the balance of the fiscal year if the installment and interest due is paid in full.

Any interest due of less than one (\$1.00) dollar shall be waived.

First Reading read and passed in Town Council meeting legally assembled the _____ day
of _____ A.D. 2020

Second Reading read and passed in Town Council meeting legally assembled the _____
day of _____ A.D. 2020

ATTEST:

Theresa C. Donovan, CMC
Town Clerk

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 8
Amend No. _____

Date Prepared: May 13, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Jonathan Gerhard, P.E., Town Engineer
PREPARED BY: Susan W. Gallagher, Purchasing Manager
SUBJECT: Preventative Maintenance Agreement for Instrumentation, Control Programming & SCADA Equipment

RECOMMENDATION:

That the Town Council approves a one (1) year extension of the annual preventative maintenance agreement for Instrumentation, Control Programming & SCADA Equipment/System from Electrical Installations, Inc., in the amount of \$10,800.00 (Water - \$3,600, Wastewater - \$7,200) and at their quoted hourly rates.

SUMMARY:

EII installed the original SCADA system in the Water and Wastewater divisions (through a competitive bidding process) and has performed all of the upgrades (hardware and software), system calibration, and emergency repairs since the installation. This equipment is used for remote monitoring of pump stations, master water meters, water tanks, security systems, etc. For a number of years, we utilized an annual technical services contract with EII. Beginning in 2011, however, we felt that it was more appropriate to change the contract format from the former hourly rate, "reactive" plan to a more "pro-active" preventative maintenance plan. This plan includes scheduled system checks, equipment calibration, routine maintenance, software upgrades, data back-up, and off-site storage. By agreeing to this type of contract, our response time by EII is guaranteed to be quicker than those without this plan and by performing preventative maintenance we can hopefully avoid some system problems before failure occurs. This format has worked extremely well for us since FY 2011, and we are recommending an extension of the contract accordingly. EII has agreed to honor all of the original contract scope of work terms and conditions.

Funding is available in the Water and Wastewater Enterprise Funds Operating Accounts for Professional Services (0030 50201 and 0032 50201, respectively).

ATTACHMENTS:

1. Service Maintenance Agreement from Electrical Installations, Inc.



EI Service/Job #'s: _____

Service Maintenance Agreement 2020

Please Complete and Return:

Customer: Town of Narragansett Phone/Fax: Ph 401-782-0637

Customer Contact: Jonathan Gerhard Phone/Fax: Fax 401-782-0669

Billing Address: 25 Fifth Avenue, Narragansett, RI 02882 - Attn: Jenn Lewis Water/Wastewater Clerk

e-mail all invoices to: jlewis@narragansettri.gov

Customer P.O. # _____

Service Package (circle one): A - Monthly \$10,800 ~~B - Quarterly \$3,800~~
~~C - Semi-annual \$2,000~~

Additions / Comments: Service contract split between Water and Wastewater Divisions

Total Contract Amount: \$10,800 (Monthly Water: \$3,600, Monthly Wastewater \$7,200)

Signature: _____ Date: _____

Please return to Maggie Gouette
Electrical Installations, Inc.
397 Whittier Highway
Moultonboro, NH 03254
Phone: (603) 253-4525 Fax: (603) 253-6284
Or email to ap@eii-hq.com

The following document outlines our proposal for providing service along with associated fees.

RE: Service / Maintenance Agreement

On behalf of Electrical Installations, Inc. Service Group, I am pleased to offer our proposal to provide Annual Maintenance. Our goal is providing the highest quality Instrumentation and Electrical services in order to maintain optimal performance of your SCADA, Control, and Electrical systems. Our Service Maintenance Agreement includes a one (1) year renewable service plan customized to meet your unique needs.

Services to include:

- Calibration of Instrumentation equipment and inspection of SCADA and related Computer equipment to verify proper operation
- Cleaning and maintenance of your SCADA equipment including Computers, PLC's, Control Panels, VFD's, and Radio Equipment
- SCADA system backup and off-site storage of your SCADA System files
- Inspection of existing controls and electrical equipment to identify problem areas (loose connections, heating issues, etc.) and recommend corrective action.
- Trouble shooting
- SCADA modifications and repairs

Additional services available include:

- SCADA System on-call/Emergency services
- Supply of new equipment and/or replacement parts
- Design, fabrication and installation of electrical and control systems to meet your changing needs

Electrical Installations, Inc. is a WBE certified firm in Massachusetts and a UL listed manufacturer of industrial control panels.

We look forward to working with you on your system. If you have any questions, please contact me.

Sincerely,

Tom Therrien
Electrical Installations, Inc. Service Group



397 Whittier Highway
Moultonboro, NH 03254
603-253-4525
FAX 603-253-6284

930B American Legion Hwy
Westport, MA 02790
508-636-8600
FAX 508-636-8650

Electrical Installations, Inc. Service Group

Service Maintenance Agreement (SMA)

The scope of work under this Agreement shall include annual calibration and maintenance services for all equipment referenced on Page 7 for the water and/or wastewater system. All work to be scheduled between the normal work hours of 7:00 AM and 5:00 PM, Monday through Friday. Total payment due for this work shall be determined by the Service Package chosen and shall be billed quarterly, in advance. Package pricing shall include on-site labor and travel within a 50-mile radius. Work outside the scope of the SMA and/or Emergency services shall be billed per the rates shown below. As part of this agreement, **Electrical Installations, Inc. Service Group** shall correct documented problems of the system. All PLC and/or SCADA System files shall be backed up to a Portable Hard Drive and/or disks. One set of the system backup will be stored at Electrical Installations, Inc. facility in order to provide off-site storage and to aid in remote support capabilities. Any and all supplied parts, as well as billable travel time and mileage, shall be billed in addition to the labor package.

Service Package A - Monthly

- **ANNUAL SERVICES including (12) days of services per year \$ 10,800.00**
Rate: \$900 / 8-hour day
Includes travel within a 50-mile radius and first hour of one-way travel time

Included under this package are (12) days to be utilized within the one-year coverage period of this contract for system repairs and/or upgrades that are covered under the normal calibration and maintenance services outlined above. The call days may be used any time during normal working hours. Phone support is provided with this service package.

ADDITIONAL SERVICES:

Hours to be utilized within the one-year coverage period of this contract for system repairs or upgrades not covered under the normal calibration and maintenance services shown above.

- Additional ON-CALL SERVICE

The call days may be used any time during normal working hours (nights, weekends, and holidays excluded).

Rate: \$110 / hour, first 8 hours

(Monday - Friday 7:00AM - 5:00PM)

Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call

TRAVEL TIME - One-way travel time in excess of one hour shall be billed

Rate: \$45 / hour

- Additional ON-CALL SERVICE

The call days may be used any time after normal working hours (nights, weekends, and holidays).

Rate: \$160 / hour

(After Hours ~ Weekend / Holiday ~ Overtime Hours)

Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call

TRAVEL TIME - One-way travel time in excess of one hour shall be billed

Rate: \$45 / hour

In the unlikely event that overnight lodging is required, cost of lodging shall be billed at cost + 10%.

Service Package B Quarterly

- **ANNUAL SERVICES including (4) days of services per year \$ 3,800.00**
Rate: \$950 / 8-hour day
Includes travel within a 50-mile radius and first hour of one-way travel time

Included under this package are (4) days to be utilized within the one-year coverage period of this contract for system repairs or upgrades that are covered under the normal calibration and maintenance services shown above. The call days may be used any time during normal working hours. Phone support is provided with this service package.

ADDITIONAL SERVICES:

Hours to be utilized within the one-year coverage period of this contract for system repairs or upgrades not covered under the normal calibration and maintenance services shown above.

- *Additional ON-CALL SERVICE*
The call days may be used any time during normal working hours (nights, weekends, and holidays excluded).
Rate: \$115 / hour, first 8 hours
(Monday - Friday 7:00AM - 5:00PM)
Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call
TRAVEL TIME - One-way travel time in excess of one hour shall be billed
Rate: \$45 / hour

- *Additional ON-CALL SERVICE*
The call days may be used any time after normal working hours (nights, weekends, and holidays).
Rate: \$165 / hour
(After Hours ~ Weekend / Holiday ~ Overtime Hours)
Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call
TRAVEL TIME - One-way travel time in excess of one hour shall be billed
Rate: \$45 / hour

In the unlikely event that overnight lodging is required, cost of lodging shall be billed at cost + 10%.

Service Package C Semi-Annual

- **ANNUAL SERVICES including (2) days of services per year \$ 2,000.00**
Rate: \$1000 / day
Includes travel within a 50-mile radius and first hour of one-way travel time

Included under this package are (2) days to be utilized within the one-year coverage period of this contract for system repairs or upgrades that are covered under the normal calibration and maintenance services shown above. The call days may be used any time during normal working hours. Phone support is provided with this service package.

ADDITIONAL SERVICES:

Hours to be utilized within the one-year coverage period of this contract for system repairs or upgrades not covered under the normal calibration and maintenance services shown above.

- *Additional ON-CALL SERVICE*
The call days may be used any time during normal working hours (nights, weekends, and holidays excluded).
Rate: \$120 / hour, first 8 hours
(Monday - Friday 7:00AM - 5:00PM)
Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call
TRAVEL TIME - One-way travel time in excess of one hour shall be billed
Rate: \$45 / hour

- *Additional ON-CALL SERVICE*
The call days may be used any time after normal working hours (nights, weekends, and holidays).
Rate: \$170 / hour
(After Hours ~ Weekend / Holiday ~ Overtime Hours)
Plus, travel at \$.83/mile, after the first 50 miles traveled; Minimum (4) hours per call
TRAVEL TIME - One-way travel time in excess of one hour shall be billed
Rate: \$45 / hour

In the unlikely event that overnight lodging is required, cost of lodging shall be billed at cost + 10%.

Rates for Services Performed Without a Service Agreement

Included under this section are hourly rates for service work requested by the customer which is not part of an Annual Service Maintenance Agreement as described above. This rate shall include on-site labor only. Please be aware that the following rates do not guarantee onsite response within 48 hours. The rates are for work to be scheduled at our earliest convenience.

- Scheduled Service Work
Rate: \$125 / hour, first 8 hours, Minimum (4) hours per call
(Monday - Friday 7:00AM - 5:00PM)
Travel Time \$45 / hour Portal to Portal
Plus, travel at \$.83/mile
\$125 / hour
\$ 45 / hour travel
\$.83 / mile
- EMERGENCY SERVICES (After Hours)
Rate: \$175 / hour, Minimum (4) hours per call
(After Hours ~ Weekend / Holiday ~ Overtime Hours)
Travel Time \$45 / hour Portal to Portal
Plus travel at \$.83/mile
\$175 / hour
\$ 45 / hour travel
\$.83 / mile
- Phone/Remote Support 7:00 am to 5:00 pm
Rate: \$65/hr
(Monday - Friday)
\$65 (hourly)
- Phone/Remote Support - after hours
Rate: \$85/hr
(Nights, Weekends and Holidays)
\$85 (hourly)

In the unlikely event that overnight lodging is required, cost of lodging shall be billed at cost + 10%.

Services Provided Under this Contract

A full written report of all services for each visit will be provided upon request. This report shall include, but is not limited to, the reason for the visit, all pieces of equipment serviced, results of troubleshooting activities and diagnosis, all changes that were made, equipment repairs with part numbers, and service technician(s) name(s).

First year includes complete system backup and documentation review and/or corrections as well as inspection of all PLC system hardware with recommendations for all needed upgrades/repairs.

List of Equipment to be serviced as follows:

Computers including inspection and/or cleaning of air filters, hard drive inspection, and SCADA related data backup. **Electrical Installations, Inc. Service Group** to provide up to (1) 500 GB portable hard drive to be stored onsite.

Programmable Logic Controllers (PLC's) including cleaning, program backup, and evaluation of battery condition and replacement recommendation as required.

Analytical Instruments including calibration and cleaning as required

Flow Meters including calibration and cleaning per manufacturer's recommendation.

Level Meters including calibration and cleaning per manufacturer's recommendation.

VFD's including inspection and/or cleaning of air filters. Inspect and tighten all connections.

Telemetry Equipment including radio, antenna, coaxial cable and equipment checkout.

Pump Stations including annual control system checkout and sequence test (control functions, alarm functions, etc).

Electrical System Maintenance including inspecting control and power connections, Megger testing, Infrared Temperature Inspection, Breaker Settings, Amp readings.

The Service Maintenance Agreement will cover a 1-year service plan renewable by the customer annually. Equipment list and on-call service days will be reviewed each year of the contract to allow the owner to add/remove equipment or on-call days to accommodate system changes. All Service Maintenance Agreements to be billed quarterly.

Services to be scheduled for the following Months each year:

January February March April May June
 July August September October November December

Customer Signature _____

Start Date _____

Printed Name & Title _____

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 9
Amend No. _____

Date Prepared: May 28, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Jonathan Gerhard, P.E., Town Engineer
PREPARED BY: Theresa C. Donovan, CMC, Town Clerk
SUBJECT: Regional Wastewater Treatment Facility Building Permit Fees

RECOMMENDATION:

That the Town Council approve, ratify and confirm that the local portion of fees for building permits required to construct proposed improvements to the treatment systems, buildings, and facilities at the Regional Wastewater Treatment Facility may be waived.

SUMMARY:

South Kingstown, Narragansett and URI are joint owners and operating partners for the Regional Wastewater Treatment Facility (WWTF) on Westmoreland Street. South Kingstown is the managing partner responsible for operations and contract administration for the WWTF, and recently entered a construction contract for various modifications and improvements to the Regional WWTF. Chapter 10 of the Narragansett Code of Ordinances establishes fee requirements for building permits for new construction and modifications to existing structures, and contains provisions that allow for fees to be waived for town-owned projects.

Narragansett historically has waived the local portion of the building permit fees when construction work is performed at the Regional WWTF, and we recommend that the Town Council approve, ratify and confirm that the building permit fees be waived for the current construction project. The State portion of the fee, which contributes to the costs of implementing the Americans with Disabilities Act (ADA), cannot be waived by the Town and will be charged to the construction contractor as required.

ATTACHMENTS:

1. Town Ordinance Section 10-21 through 10-28
2. Building Permit B-20-402 fee detail

Sec. 10-21. - Building.

- (a) *New construction and additions.* A fee for a building permit for new construction or an addition to an existing structure, including decks, shall be charged at the rate of \$0.40 per square foot, but not less than \$40.00; provided, however, that the town manager may waive, in writing, any permit fees applicable to town-owned projects. Further, the town council may, in its discretion, waive in full the fee required in this section.
- (b) Alterations and other construction with no additional square footage. The fee for a building permit for alterations and other construction with no additional square footage shall be as follows:

Valuation	Limit	Fees
\$0.00	\$500.00	\$25.00
\$501.00	\$1,000.00	\$40.00
\$1,001.00	\$50,000.00	\$40.00 plus \$6.00 per \$1,000.00 over \$1,000.00
\$50,001.00	\$100,000.00	\$260.00 plus \$5.50 per \$1,000.00 over \$50,000.00

\$100,001.00	\$500,000.00	\$480.00 plus \$5.00 per \$1,000.00 over \$100,000.00
\$500,000.00	No Limit	\$1,500.00 plus \$4.50 per \$1,000.00 over \$500,000.00 or part thereof.

No permit shall be issued unless the estimated valuation is reasonably within unit rates for costs of buildings as classified and defined in the state building code. The building official may require a sworn statement from the applicant setting forth the actual cost of the building before any such permit shall be granted.

(Code 1986, §§ 5-16, 5-17; Ch. 861, § 1, 7-5-2005; Ch. 919, § 1, 8-3-2009)

Sec. 10-22. - Moving of buildings.

The fee for a permit to move a building shall be \$0.20 per \$100.00 of the estimated cost of moving, plus the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location.

(Code 1986, § 5-18; Ch. 861, § 1, 7-5-2005)

Cross reference— Streets, sidewalks and other public places, ch. 66.

Sec. 10-23. - Demolition.

The fee for a permit for demolition of a structure shall be \$50.00.

(Code 1986, § 5-19; Ch. 861, § 1, 7-5-2005; Ch. 919, § 2, 8-3-2009)

Sec. 10-24. - Plumbing work.

The fees for a permit to perform plumbing work shall be as follows:

- (1) Twenty dollars for minor repair work up to and including \$1,000.00;
- (2) Forty-five dollars for proposed plumbing construction or alteration, with an additional fee of \$5.00 per fixture proposed in the approved plan for construction or alteration;
- (3) Thirty dollars for each reinspection of plumbing work caused by the failure of the licensee to comply with the provisions of the code or permit issued;
- (4) Five percent of the estimated value of the completed plumbing work for multidwellings, apartment houses, hotels, motels, commercial and industrial buildings.

(Code 1986, § 5-21; Ch. 861, § 1, 7-5-2005)

Cross reference— Utilities, ch. 78.

Sec. 10-25. - Electrical work.

The fees for a permit to perform electrical work shall be as follows

Valuation	Limit	Fees

\$1.00	\$1,000.00	\$45.00 (minimum) plus \$2.00 per \$100.00 over \$200.00
\$1,001.00	\$5,000.00	Minimum plus \$9.00 per \$1,000.00
\$5,001.00	\$25,000.00	Minimum plus \$8.00 per \$1,000.00
\$25,001.00	\$50,000.00	Minimum plus \$7.00 per \$1,000.00
\$50,001.00	\$100,000.00	Minimum plus \$6.00 per \$1,000.00

\$100,001.00	\$500,000.00	Minimum plus \$5.00 per \$1,000.00
\$500,001.00	No limit	Minimum plus \$4.00 per \$1,000.00

(Code 1986, § 5-22; Ch. 861, § 1, 7-5-2005; Ch. 919, § 3, 8-3-2009)

Cross reference— Utilities, ch. 78.

Sec. 10-26. - Mechanical work.

The fees for a permit to perform mechanical work shall be as follows:

Valuation	Limit	Fees
\$1.00	\$1,000.00	\$45.00 (minimum) plus \$2.00 per \$100.00 over \$200.00

\$1,001.00	\$5,000.00	Minimum plus \$9.00 per \$1,000.00
\$5,001.00	\$25,000.00	Minimum plus \$8.00 per \$1,000.00
\$25,001.00	\$50,000.00	Minimum plus \$7.00 per \$1,000.00
\$50,001.00	\$100,000.00	Minimum plus \$6.00 per \$1,000.00
\$100,001.00	\$500,000.00	Minimum plus \$5.00 per \$1,000.00
\$500,001.00	No limit	Minimum plus \$4.00 per \$1,000.00

(Code 1986, § 5-23; Ch. 861, § 1, 7-5-2005; Ch. 919, § 4, 8-3-2009)

Sec. 10-27. - Certificate of occupancy.

The fee for a certificate of occupancy as defined in section 25.4 of Appendix A, Zoning shall be \$50.00.

(Code 1986, § 5-24; Ch. 861, § 1, 7-5-2005; Ch. 919, § 5, 8-3-2009)

Sec. 10-28. - Reinspection fee.

There shall be a fee of \$30.00 assessed for each reinspection of construction work, electrical work or mechanical work where the need for the reinspection is caused by the failure of the permittee to comply with the provisions of the building code or the permit issued by the building official. The reinspection fee shall be paid prior to any reinspection being conducted by the building official's office.

(Code 1986, § 5-26; Ch. 861, § 1, 7-5-2005)

Building Permit Fee

Became active 7 days ago

Fees

ADA Fee	<u>\$214.00</u>	<u>REQUIRED</u>
Building Permit Fee	<u>\$1,170.00</u>	<u>WAIVE</u>
Radon Fee	\$0.00	
Add Fee...		
Total Fees	\$1,384.00	

Pay

Pay with check, cash, or another method
No processing fee

Pay with a Credit Card
\$42.37 processing fee

Pay with eCheck
eCheck is available in the Public Portal [Learn more](#)

Total Due: **\$1,384.00**

Waive Payment



Remove Comment • May 21st 2020, 12:58pm

Ryan Murphy

As this work is being performed for the town and per my contract with the town, they stipulate that municipe permit fees will be waived. Can you please review this? If you have any questions, call me at 774-218-6296

-
- Comment
 - Internal Note
-

Building Permit

B-20-402

Status: Active

Submitted: May 20, 2020

Applicant



Ryan Murphy

774-218-6296

rmurphy@hartcompanies.com

Location

275 WESTMORELAND STREET
NARRAGANSETT, RI 02882

Building Permit General Information

Job Number/Name (applicants may utilize this optional field to label this application with their own identifier)

South Kingston Waste Water Miscellaneous Upgrades P-290

Type of Improvement

Modification to Existing

Structure Type (for ADA fees)

Other

Commercial or Residential?

Commercial

Deck Modification?

No

Description of Work

Upgrades and modifications for the existing WWTP. Includes equipment upgrades, structural work and minor architectural adjustments to existing buildings.

Estimated cost of Labor and Materials

214000

Is there a business at this property?

No

Are you adding or modifying fire alarms, sprinklers, or any other equipments/materials related to fire safety?

No

Ownership

Public (City or Town)

Principal Type of Construction

5B

Zoning District

--

Rehab Code?

--

Code Edition

--

Sewage Disposal

--

Water Supply

Public

After successful inspection(s), will this permit produce a Certificate of Occupancy or Letter of Completion?

--

Who is submitting this application?

General Contractor

General Contractor Affidavit

By checking this box as the General Contractor and typing my name, I intend to electronically affix my signature, indicating that I have read, understand and affirm this attestation.

true

Typed name of person making attestation (Please also check the box in the next section to enter your credentials)

Ryan P. Murphy

General Contractor (registered with the RI Contractors Registration and Licensing Board)

GC Name
DAVID F RAMPONE

GC Phone #

GC Company Name
HART ENGINEERING CORP

GC License/Registration Category
Commercial

GC License/Registration Active
1

GC License/Registration Expiration Date
07/01/2020

GC Address
800 SCENIC VIEW DRIVE CUMBERLAND RI 02864

GC Email Address

GC License/Registration Number
4873

GC License/Registration Description
General Contractor

GC License/Registration Issue Date
07/18/1990

Architect/Engineer Details (if applicable)

Check here to search for and select the registered professional that will serve as Architect/Engineer for this project
true

Check if the Architect/Engineer will submit stamped plans
true

Architect/Engineer (registered with the RI Department of Business Regulation)

A/E Name
JAMES J GEREMIA

A/E Phone #
--

A/E License Number
4521

A/E License Description
Professional Engineer

A/E License Issue Date
02/21/1983

A/E Certificate of Authorization (COA) Number
PE.0005138-COA

A/E Active License/COA relationship?
1

A/E Address
36 WENTWORTH DRIVE

A/E Company Name
JAMES J. GEREMIA & ASSOCIATES INC.

A/E License Category
License

A/E License Active
1

A/E License Expiration Date
06/30/2021

A/E COA Expiration Date
06/30/2022

Asbestos/Lead/Radon Contractor Details (if applicable)

Check here to search for and select the registered Asbestos/Lead/Radon professional for this project
--

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 10
Amend No. _____

Date Prepared: March 24, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager

FROM: Jonathan Gerhard, P.E., Town Engineer
Steve Wright, Director Parks and Recreation

PREPARED BY: Susan W. Gallagher, Purchasing Manager

SUBJECT: Award of bid – West and South Beach Cabana Renovation

RECOMMENDATION:

That the Town Council awards the bid for West and South Beach Cabana Renovation project to the lowest bidder, Martone Service Company, Inc., in the amount of \$1,013,217.00.

SUMMARY:

This project is for the renovation of the West and South Beach Cabanas consisting of 59 cabana units. These 59 cabana units were originally constructed in 1992, are deteriorated from age and weather, constructed from corrugated fiberglass siding and roofing and require replacement for safety and long term sustainability.

The project scope of work conforms to the North Cabanas constructed in 2015 after Hurricane Sandy, with the exception that the North Cabanas included new pilings; the West and South Cabanas will be demolished down to the existing piling foundation that will remain to support the new construction. As with the North Cabanas, both west and south cabanas will be built above the 100-year flood level, with the deck level to match the deck of the existing north Cabana building. The existing security lighting and cameras will be removed prior to demolition and reinstalled as part of the work. The plans call for the use of the same composite materials to minimize future maintenance costs and to extend the life expectancy of the building.

Request for bids were advertised in the Narragansett Times, solicited, and posted on the Town of Narragansett and State Purchasing Division websites. Nine (9) vendors picked up the specification packages and five (5) responded. The attached spreadsheet lists the results from the solicitation.

The Engineering Department has reviewed the bids and recommends an award to Martone Service Company, Inc. at their low bid price (lump sum bid) of \$1,013,217.00. Martone has performed several other building projects for the Town, including the Community Center Building Envelope Improvements, the Scarborough WWTF Administration Building re-roofing, the North Beach Cabana replacement, and

Administration Building re-roofing, the North Beach Cabana replacement, and Narragansett High School gymnasium renovations. We have been satisfied with their quality of work and their ability to perform. Construction shall begin in the Fall of 2020 (Fiscal Year 2020/2021).

The Town Council approved \$750,000.00 for this project at last year's Capital Budget meetings based upon preliminary estimated cost. Funding is available in the Parks and Recreation Capital Projects Account #0020810 57025, Building Renovation. Funding for the additional \$263,217.00 is available within the Beach Enterprise Fund (undesignated fund balance); these funds need to be appropriated by the Town Council and will be incorporated into the upcoming formal budget request of the Parks and Recreation Department.

ATTACHMENTS:

1. March 18, 2020 solicitation spreadsheet for bid opening.

Town of Narragansett, RI				
West and South Beach Cabana Renovation - B20020				
Beach/Engineering				
Bid Opening: Wednesday, March 18, 2020 - 11:00 AM				
Item	Vendor 1	Vendor 2	Vendor 3	Vendor 4
	Abcore	Superstructure	South County	Martone
	Restoration Co.	Buildiing Co LLC	Post and Beam	Service Co., Inc.
1. W & S Beach Cabana Renovation	\$1,274,249.00	\$1,647,196.00	\$1,474,845.00	\$997,717.00
2. Allowance - Exterior mounted sign	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
3. Allowance - Rem/Replace Concr Pier	\$10,000.00	\$8,736.00	\$11,880.00	\$12,000.00
TOTAL BASE BID - Items 1, 2, & 3	\$1,287,749.00	\$1,659,432.00	\$1,490,225.00	\$1,013,217.00
Item	Vendor 5			
	Tower			
	Construction Corp.			
1. W & S Beach Cabana Renovation	\$1,077,300.00			
2. Allowance - Exterior mounted sign	\$3,500.00			
3. Allowance - Rem/Replace Concr Pier	\$6,200.00			
TOTAL BASE BID - Items 1, 2, & 3	\$1,087,000.00			
B20020/SG				

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 11

Amend No. _____

Date Prepared: May 20, 2020
Council Meeting Date: June 1, 2020

TO: James R. Tierney, Town Manager
FROM: Theresa C. Donovan, CMC, Town Clerk
SUBJECT: Victualling License

RECOMMENDATION:

That the Town Council approves a Victualling License application for Olivia Wilcox, dba Faits Maison, at 1004 Boston Neck Road, Suite 1, Narragansett, RI, subject to local and state regulations.

SUMMARY:

Olivia Wilcox, owner and operator of Faits Maison is requesting a Victualling License to operate a restaurant at 1004 Boston Neck Road, Suite 1, Narragansett, RI. A victualling license is required in accordance with RIGL 5-24-1 and Article III, Section 14-46 "License Required" of the Town's ordinance in order to prepare and serve food.

The Town Council approved a Victualling License for this same location on April 29, 2020 (Michelle Frank dba Gansett Poke). It has been confirmed that these two businesses are sharing space.

ATTACHMENTS:

1. Application

**Town of Narragansett
Town Clerk's Office
25 Fifth Avenue
Narragansett, RI 02882
401-782-0625**

VICTUALING LICENSE APPLICATION

Olivia Wilcox

Owner's Name

Faits Maison

Trade Name

66 Oak tree drive

Owner's mailing address (*line 1*)

1004 Boston Neck Road

Business mailing address (*line 1*)

North Kingstown, RI 02852

Owner's mailing address (*line 2*)

Narragansett, RI 02882

Business mailing address (*line 2*)

401-219-6471

Owner's telephone number

401-219-6471

Business telephone number

wilcox.olivia@gmail.com

Owner's email

hello@faitsmaison.com

Business email

Major food items sold:

Vegan baked goods and vegan crêpes.

Required: Copy of current RI Division of Taxation Sales Permit
 Copy of current RI Department of Health Certificate

 sent

 sent

I hereby certify that the above statements are true to the best of my knowledge and belief:

Signature: O. Wilcox

Date: 05/12/20

Printed name: Olivia Wilcox

Title: Owner

**TOWN OF NARRAGANSETT
COUNCIL COMMUNICATION**

CC: 12
Amend No. _____

Date Prepared: May 26, 2020
Council Meeting Date: June 1, 2020

TO: Honorable Town Council

FROM: Jill A. Lawler, Council President ProTem

SUBJECT: VIRTUAL ART SHOW at Kinney Bungalow

RECOMMENDATION: That the Town Council approve the use of the Kinney Bungalow, without fee, by the Narragansett Chamber of Commerce in partnership with Mike Brice Studio to conduct a Virtual Art Show June 19-21, 2020.

SUMMARY: The outbreak of Covid -19 has caused the annual art show traditionally held at Veteran's Park in June to be cancelled. Narragansett has a large community of Artists who will take a huge economic hit as this is the largest art show of the year. Many neighboring towns and cities are operating "Virtual" Art Shows as a creative approach to work within with the rules put forth by the Governor for businesses to operate. This is a virtual event so there should be no more than 8 people in the building at any time spread apart. Someone will be "streaming live" with their phone and either that person or another person talks with the artist.

Between 10-12 Artists will be scheduled in blocks of 45 minutes. Each artist will be given approximately 30 minutes to go over the works in their display. Then there is a 15-minute break between artists. Each sale item is numbered and if someone who is watching sees something they like, they call the Chamber and give the name of the artist and the number of the item. The Chamber employee calls in the payment with their credit card machine and keeps a log of the transaction.

Mike Brice Studio's has experience organizing these types of live events in Providence and the Chamber of Commerce will use the model that Westerly has been using for the last four weeks. Artists will be screened by both him and one of the Chamber of Commerce board members, Pati Sylvia, who is a local artist. He, like Pati, have a network of artists that they will reach out to. Their goal would be to have selections of works that are of quality and show variety. Arrangements are made in advance for options for pick up by artist.

ATTACHMENTS: