

TOWN COUNCIL MEETING
February 25, 2002

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:03 PM by Council President Guy J. Settipane. The following members were present:

David A. Swain, Vice President
David J. Long
Kenneth G. Littman
Norma B. Willis

Also present were:

Maryanne Crawford, CPA, Town Administrator/Finance Director
Arlene D. Kalooski, Town Clerk
Bruce Leach, Esq., Town Solicitor
Arthur J. Christman, Fire Chief
J. Christopher Powell, Conservation Commission Chair
Dennis Webster, Quonset Davisville Liaison Committee Chair
William H. Murphy, State Representative
Bruce J. Long, State Representative

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

It was requested that items 5 (a), 5 (b) and 2 be removed from the Consent Agenda. Councilor Willis noted that she was absent for the Town Council meeting on February 11 and would abstain from voting on these Council minutes. It was moved by Councilor Long, seconded by Councilor Swain to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consists of:

- 1) Adoption of Council minutes:
 - a) 02/11/2002 Regular Meeting
- 3) Copies of Minutes of Boards & Committee Meetings:
 - a) Zoning Board of Review (01/22/2002)
 - b) Board of Canvassers (02/12/2002)
 - c) Harbor Management Commission (01/09/2002, 01/17/2002)
 - d) Town Charter Review Committee (01/24/2002)
 - e) Conservation Commission (01/08/2002)

- f) Tree Preservation and Protection Committee (11/20/2001)
- g) Library Board of Trustees (01/15/2002)
- 4) CRMC Notices:
 - a) Assent to David & Teresa Emond, 116 Howland Ave.; to construct a single family dwelling to be served by municipal water and sewer, located on Maple Avenue, Plat 9, Lot 16.
 - b) Finding No Significant Impact to Kate & Gary Lamery, 45 North Bayview Dr. to replace existing failed ISDS system with a new approved bottomless sand filter, located at 45 North Bayview Dr., Plat 1, Lot 218.
 - c) Finding No Significant Impact to Narragansett Electric Co., 280 Melrose St., Providence to conduct 4 exploratory test borings along the unvegetated shoulder of Ft. Getty Rd., Located at Plat 11, Lot 8.
- 6) Abutter Notification from the Zoning Board of Review re: the application of Lowell Thomas, located at 54 Whittier Rd.

2) Bills and Payroll

At the Council's request, the Town Administrator supplied additional information relating to the bills and payroll. Additionally, the Town Administrator was instructed to provide the enabling legislation relating to the rental of fire hydrants.

- 5) Resolutions from other Cities & Towns:
 - a) North Kingstown re: reaffirming the endorsement of the establishment of the USS Saratoga Museum at Quonset Point

Councilor Long encouraged the support of a Resolution endorsing establishment of the USS Saratoga Museum at Quonset Point.

It was moved by Council President Settipane, seconded by Councilor Long to adopt a resolution consistent with the resolution presented by the Town of North Kingstown. So unanimously voted.

- b) Newport re: Support of the RI Senate Bill S-~~2129~~ 2139(Hotel Tax)

Councilor Littman noted that a similar Bill was previously supported in the past and it was Councilor Littman's recommendation that the Council support RI Senate Bill S-2139.

It was moved by Councilor Littman, seconded by Councilor Long that the Council adopt a resolution in support of Senate Bill S-2139, relating to the distribution of the hotel tax and the proceeds increasing to thirty-five (35%) per cent to the host community, and that copies of this resolution be forwarded to members of the Legislative Delegation. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Settipane announced that there would be an executive session later in the meeting, pursuant to RIGL 42-46-5 (a) (5) real estate acquisition and 42-46-5 (a) (5) real estate lease negotiations.

- 1) Pursuant to RIGL 42-46-5(a) (5) real estate acquisition of property (*per Town Administrator*)
- 2) Pursuant to RIGL 42-46-5(a) (5) real estate lease negotiations

PUBLIC HEARINGS

None

OPEN FORUM

- 1) Scheduled request to address
 - a) David Martin re: Humane Society

Mr. Martin read a statement regarding the efforts to preserve open space in Jamestown and the concern of the Humane Society relating to the Town's permission to allow hunting on property to be acquired by the Town; specifically Plat 1, Lot 60.

Council President Settipane noted that prior to the Town acquiring this property, hunting has been allowed.

The Town Administrator reviewed the Assignment of Purchase and Sale Agreement and the Conservation Easement. Page three (3) of the Conservation Easement specifically outlines the agreement allowing three specifically named individuals to hunt on this property for a period of no more than ten (10) years. The Town Solicitor noted that this is a condition of the sale.

Richard Rembijas, present owner of the property being discussed, informed the Council that hunting would be from tree stands and by bow and muzzle-loader only. Mr. Rembijas noted that presently hunters are using the western portion of this land for their hunting.

The Council discussed the balance of allowing hunting for a ten-year period with the Town's ability to preserve this parcel of land for the protection and preservation of the Town's valuable watershed.

Council President Settipane requested that the issue of liability be discussed.

- 2) Non-scheduled request to address

Mr. Martin made additional comments relating to the use of land in a watershed area.

Frank Meyer, 141 Southwest Avenue commented on his concerns with the over-population of deer and lime disease.

George Shephard 15 Summer Street, as a neighboring resident to Plat 1, Lot 60, expressed his concern with the balance being made vs. safety for his family.

Roland Vigneault, 901 East Shore Road, informed the Council that he was in favor of this as long as there is a time limit.

In addressing concerns of the residents, Council President Settupane inquired if it would be possible to keep hunting to the western end of the property and requested that the Town Solicitor look into this.

Representative Bruce Long informed the Council that a House Bill is being considered to raise the amount of tokens purchased for \$50.00 to seventy-five tokens. He will keep the Council informed.

Charlotte Zarlengo, Seaside Drive, requested that the Council send a letter to the Rhode Island Department of Environmental Management requesting the denial of any variances on property owned by David Thurston. Mrs. Zarlengo reviewed the history of violations on that lot and further expressed her concern that the Thurston property, located on Seaside Drive across from the Shores Beach, would contaminate the water at the beach.

Council President Settupane advised that RIDEM has established the minimum State's standards for approval of ISDS throughout the State. Council President Settupane also noted that the Town of Jamestown is currently preparing a High Water Table Ordinance to address these types of issues and to allow the Town to consider the impact on surrounding lots.

The Council discussed their concerns relating to the proximity of the beach and requested that this be put on the agenda for the next Town Council meeting on March 11, 2002.

Dennis Webster, Quonset Point Davisville Liaison Committee Chair addressed the resolutions requesting that Jamestown have a member on the Quonset Davisville Management Corporation. Mr. Webster noted that the Quonset Point Davisville Liaison Committee recommends that the Council adopt the position showing that the Jamestown Town Council supports legislation that will give Jamestown a seat on the QDMC, if possible, a voting seat.

It was moved by Council President Settupane, seconded by Councilor Swain to forward a resolution in support of legislation that provides for a membership on the Quonset Davisville Management Corporation representing the Town of Jamestown, appointed by the Jamestown Town Council, preferably a voting member to the State Legislature and authors of the three current bills. So unanimously voted.

It was the consensus of the Council that Mr. Webster draft a letter to the North Kingstown Town Council expressing the Jamestown Town Council's position.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

1) Town Administrator's report (verbal)

The Town Administrator gave a verbal report to the Council. The Town Administrator reported that she would be working with the Deputy Finance Director to draft some fiscal policies for consideration. Additionally, it was reported that an offer has been made to an individual for the Wastewater Management position.

2) Conservation Commission

- a) Letter to the RI Bridge & Turnpike Authority re: necklace lighting
- b) Memo re: recommendation and comments pertaining to the Narragansett Electric cable project *per Council's request*

The Council discussed the letter sent by the Conservation Commission to the RI Bridge & Turnpike Authority regarding necklace lighting. It was noted by Councilor Willis that Boards and Commissions are advisory to the Council. Concern was raised that any Board or Commission would take a position on an issue without Council input. It was the consensus of the Council that the Town Administrator and the Town Clerk would work on a policy relating to communications for Committees and Commissions and to report back to the Council with a draft policy.

3) Jamestown Housing Authority

- a) One (1) vacancy exists (term ending 12/31/2006); duly advertised (interviews completed); if favorable, for appointment
 - i) Letter of recommendation from Housing Authority
 - ii) Letter of interest from Isabelle R. Verducci

It was moved by Councilor Long, seconded by Councilor Swain to appoint Isabelle R. Verducci to the Housing Authority for term ending 12/31/2006. So unanimously voted.

4) Planning Commission

- a) Three (3) vacancies exist (terms ending 12/2005); duly advertised (all interviews completed); if favorable, for appointment
 - i) Recommendation from Planning Commission
 - ii) Resignation from Dennis Webster
 - iii) Requests for reappointment
 - Sue Barker
 - Gary A. Girard
 - iv) Letters of interest
 - Paul LaBranche
 - William A. Kelly
 - Andrew Kallfelz

- Carolyn Sears

It was moved by Councilor Long, seconded by Councilor Swain to appoint Andrew Kallfelz to the Planning Commission, term ending 12/31/2005. So unanimously voted.

It was moved by Councilor Swain, seconded by Councilor Long to reappoint Gary Girard to the Planning Commission, term ending 12/31/2005. So unanimously voted.

It was moved by Councilor Littman, seconded by Councilor Long to reappoint Sue Barker to the Planning Commission, term ending 12/31/2005. So unanimously voted.

- 5) Harbor Management Commission
 - a) Two vacancies exist; one (1) West Harbor Riparian Representative, one (1) Interested Otherwise Unaffiliated (terms ending 12/31/2004); duly advertised (all interviews completed); if favorable, for appointment
 - i) Attendance record
 - ii) Request for reappointment **for one year only** from William Hahn (Interested Otherwise Unaffiliated)
 - iii) Request for reappointment from David M. Ryan (West Harbor Riparian Representative)
 - iv) Letters of interest
 - Richard D. Condon (for both positions)
 - Richard C. Anderson (Interested Otherwise Unaffiliated)
 - Richard Ventrone (Interested Otherwise Unaffiliated)

It was moved by Councilor Long, seconded by Councilor Littman to appoint Richard D. Condon as West Harbor Riparian Representative, term ending 12/31/2004. So unanimously voted.

It was moved by Council President Settipane, seconded by Councilor Willis to appoint Richard C. Anderson as Interested Otherwise Unaffiliated, term ending 12/31/2004. So unanimously voted.

- 6) Jamestown Charter Review Committee
 - a) Letter from Chair re: Uniform Fiscal Year

The Council discussed the need for a uniform fiscal year and requested that the Town Administrator provide information for Council's consideration so that this can be considered at the Financial Town Meeting in 2003.

- 7) Planning Commission
 - a) Letter from Chair re: proposed submarine cable installation project

Council President Settipane noted that the Council had previously requested comment from the Planning Commission regarding the cable installation project presented by Narragansett Electric. President Settipane noted that the Planning Commission responded by saying that the project would create a significant negative aesthetic impact.

It was moved by Councilor Willis, seconded by Councilor Swain to accept the letter from the Planning Commission.

It was moved by councilor Swain, seconded by Council President Settipane to move Open Forum to this part of the meeting to allow comment and discussion relating to Narragansett Electric. So unanimously voted.

Kevin Menard and Alan M. Salk, representing Narragansett Electric were present to discuss the cable project. Mr. Menard noted that he has not heard the Council discuss any of the benefits the Town will receive by having this source of electricity to the island in case of need. He further noted that there were six potential routes reviewed and the present route is considered the best.

Council President Settipane noted that presently there are two lines in place in the East Passage, both of which would carry the load of electricity adequately. The cost analysis to repair/replace and relocate one of these cables was discussed. Council President Settipane requested that information from a feasibility study performed by the Narragansett Electric Corporation be submitted to the Council to assist them in decisions relating to the cable project as being presented to them. Mr. Menard informed the Council that the feasibility study was considered to be an internal document and would not be available to the Council.

There was a lengthy discussion on the Council's request to have the cable put underground rather than the manner in which is being proposed by Narragansett Electric. Mr. Menard informed the Council that if the cable were to be put underground, the Town would be responsible for the additional cost.

It was moved by Council President Settipane, seconded by Councilor Swain to continue further discussion on the Narragansett Electric Cable Project to the next Council meeting on March 11, 2002 and to request that a letter be sent to Narragansett Electric to supply the Council with the feasibility cost analysis for comparisons and have that made available for Council review prior to the meeting.

UNFINISHED BUSINESS

- 1) Wastewater Management Plan (for approval)

The Council reviewed the Wastewater Management Plan and recommended that there be some changes prior to approval.

The suggested changes will be made by the Town Planner and presented to the Council for approval at the next Town Council meeting on March 11, 2002.

2) Library Parking & Traffic Plan (cont. from 02/11/2002)

The Town Administrator informed the Council that the parking and traffic plan was being forwarded to the Parking Committee and Planning Commission for their review.

It was the consensus of the Council to continue the library parking & traffic plan to the Council meeting on March 25, 2002.

3) Adopt-a-Spot Program (cont. from 02/11/2002)

The Town Administrator informed the Council that the Adopt-a-Spot program is being reviewed by the Tree Preservation and Protection Committee.

It was the consensus of the Council to continue Adopt-a-Spot to the March 25, 2002 Council meeting.

COMMUNICATIONS

1) Letter from Rick Gosselin re: SIMCO's recycling operation

It was moved by Councilor Swain, seconded by Councilor Long to accept the letter from Rick Gosselin. So unanimously voted.

2) Letter from Mark & Jeanne Girard re: Opposing a RIDEM ISDS variance

It was moved by Councilor Long, seconded by Councilor Swain to accept the letter from Mark & Jeanne Girard. So unanimously voted.

3) Letter from David Martin re: the purchase of Plat 1, Lot 60

It was moved by Councilor Swain, seconded by Councilor Long to accept the letter from David Martin. So unanimously voted.

4) Letter from Jeffrey A. Gofton, Office of Municipal Affairs re: Notice of Proposed Property Tax Rate Change

It was moved by Councilor Long, seconded by Council President Settupane to accept the communication from Jeffrey A. Gofton. So unanimously voted.

5) Letter from Steven Dunn, Jr. re: the Town Solicitor, Douglas DeSimone

It was moved by Councilor Long, seconded by Councilor Swain to accept the letter from Steven Dunn, Jr. So unanimously voted.

- 6) Letter from the Coalition for Consumer Justice Education Project

It was moved by Councilor Willis, seconded by Councilor Long to accept the letter from the Coalition for Consumer Justice. So unanimously voted.

- 7) Letter from the Mayor of Newport re: St. Patrick's Day Parade

It was moved by Councilor Willis, seconded by Council President Settupane to accept the letter from the Mayor of Newport. So unanimously voted.

- 8) Letter from Alan G. Hassenfeld and Mark L. Stenning re: Newport Tennis Hall of Fame

It was moved by Councilor Long, seconded by Councilor Willis to accept the communication from Allan G. Hassenfeld and Mark L. Stenning. So unanimously voted.

- 9) Conanicut Island Land Trust
 - a) Letter re: purchase and protection of Plat 4 Lot 115

It was moved by Councilor Swain, seconded by Councilor Long to accept the letter from Conanicut Island Land Trust regarding Plat 4, Lot 115. So unanimously voted.

The Town Administrator reviewed the recommendation by the Water Resource Protection Committee for \$100,000.00 to be paid to the Conanicut Island Land Trust for the property located on Plat 4, Lot 115. Included in the conveyance of that property was an easement for an underground pipeline across the property for future water augmentation for the Town. The Department of Environmental Management presently does not have a policy for any changes in conservation easements; therefore, the Land Trust is requesting that the Town drop the request for the pipeline in order to convey the interest in the property. The Town Administrator recommended that this be continued without action at this time while this is being explored.

It was moved by Councilor Willis, seconded by Councilor Littman to continue discussion on the Letter from Conanicut Island Land Trust regarding Plat 4, Lot 115 to March 25, 2002.

- b) Copy of letter re: Narragansett Electric Cable Proposal

It was moved by Councilor Swain, seconded by Councilor Willis to accept the letter regarding the Narragansett Electric Cable Proposal. So unanimously voted.

- c) Letter form the Conanicut Island Land Trust re: Plat 1, Lot 60

It was moved by Councilor Long, seconded by Councilor Swain to accept the letter from Conanicut Island Land Trust regarding Plat 1, Lot 60. So unanimously voted.

NEW BUSINESS

- 1) Real Estate: Rembijas Property; Plat 1, Lot 60
 - a) Copy of Agreement
 - b) Conservation Easement

In discussing the agreement to allow hunting by three named individuals, concern was raised with the Town incurring any liability for hunting on Town owned property. The Town Solicitor noted that the agreement states hunting would be in compliance with State and local laws. Following discussion on legal issues surrounding the allowance of hunting on this land, the Town Solicitor recommended that language be added indemnifying the Town and to request individuals sign a hold harmless agreement.

The Conservation Chair suggested that the property be properly posted.

It was moved by Councilor Swain, that we enter into this agreement to purchase the Rembijas land as outlined by the Conanicut Island Land Trust and the Town Solicitor, subject to entry into an acceptable release and hold harmless agreement to the satisfaction of the Town Administrator and Town Solicitor. Motion was withdrawn by Councilor Swain.

It was moved by Council President Settipane, seconded by Councilor Littman to enter into an agreement as a buyer for the Rembijas property identified as Plat 1, Lot 60 subject to the condition of an acceptable release and hold harmless agreement for those licensees that will be hunting on the property, subject to the entry into the conservation agreement by the Council with funding to be derived through those amounts set aside at the Financial Town Meeting. So unanimously voted.

- c) Assignment of Purchase and Sale Agreement

It was moved by Council President Settipane, seconded by Councilor Littman to approve the assignment of the Purchase and Sales Agreement to the Town of Jamestown. So unanimously voted.

The Council expressed their gratitude to Mr. Rembijas for his generosity in discounting this property and assisting the Town in the preservation and protection of the watershed.

- 2) Lease of Golf Course (upper level)

The Town Administrator reported that the lease for the upper level of the Golf Course would expire in May 2002. Additionally, it was noted that there have been several parties interested in renting the facility.

It was moved by Council President Settipane, seconded by Councilor Littman to place an advertisement in the Jamestown Press for proposals for leasing the upper level of the Golf Course facility, those proposals due by March 22, 2002. So unanimously voted.

- 3) Letter from the Conanicut Island Art Association re: future events

It was moved by Councilor Long, seconded by Councilor Swain to accept the communication from Conanicut Island Art Association. So unanimously voted.

- 4) Sunday Sales Renewal Licenses (*approval signatures in route*):
- a) Chopmist Charlies
 - b) Conanicut Store
 - c) Dutch Harbor Boatyard, Inc.
 - d) Jamestown Boat Yard
 - e) Jamestown Designs
 - f) Jamestown True Value Hardware
 - g) McQuade's Laundromat
 - h) McQuade's Supermarket
 - i) Narragansett Café
 - j) Ocean State Scuba
 - k) Portuguese American Citizen's Club
 - l) R & R Gallery
 - m) Stonecraft Sterling

Councilor Swain recused himself from any Council decision relating to Ocean State Scuba.

It was moved by Council President Settipane, seconded by Councilor Long to approve the following Sunday Sales Licenses, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

Chopmist Charlies	Conanicut Store
Dutch Harbor Boatyard, Inc.	Jamestown Boat Yard
Jamestown Design	Jamestown True Value Hardware
McQuade's Laundromat	McQuade's Supermarket
Narragansett Café	Portuguese American Citizen's Club
R & R Gallery	Stonecraft Sterling

It was moved by Council President Settipane, seconded by Councilor Long to approve the Sunday Sales License for Ocean State Scuba, subject to the resolution of debts, taxes and appropriate signatures. It was voted 4 in favor with Councilor Swain recusing. The motion passed.

- 5) Private Investigator's Renewal License (*approval signatures in route*):
- a) Ronald F. Lewis

It was moved by Council President Settipane, seconded by Councilor Swain to approve the Private Investigator's Renewal License for Ronald F. Lewis, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 6) Trash Collector's Renewal License (*approval signatures in route*):

a) BFI Waste of Fall River/Allied Systems

It was moved by Councilor Swain, seconded by Councilor Willis to approve the Trash Collector's Renewal License for BFI Waste of Fall River/Allied Systems, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

7) Solid Waste & Recycling Services Agreement

The agreement was reviewed by the Town Administrator and Town Solicitor. Concern was raised with the possibility of any hazardous material being included without the knowledge of the Town. The Town Administrator noted that the Town takes part in the hazardous waste collection held in Newport and encourages residents to bring hazardous waste there. Additionally it was noted that every precaution is taken at the transfer station to separate recycling.

Council President Settipane suggested including in Section 17 (a) a finding of contamination or adverse effects on the environment.

It was moved by Council President Settipane, seconded by Councilor Long that we enter into the Solid Waste & Recycling Services Agreement subject to the satisfaction of the Town Administrator and the Town Solicitor in finalizing any negotiations concerning clause 17 (a) in the agreement. So unanimously voted.

OPEN FORUM CONTINUED

John Murphy, Narragansett Avenue suggested that the Council discuss the return of the generating plant that was located in Jamestown and considered to be backup power for the island with Narragansett Electric.

Council President Settipane called for a five-minute break at 10:35 PM.

The Council returned at 10:40 PM.

EXECUTIVE SESSION

It was moved by Council President Settipane, seconded by Councilor to enter into executive session at 10:40 PM, pursuant to RIGL 42-46-5 (a) (5) real estate acquisition and 42-46-5 (a) (5) real estate lease negotiations.

The vote was, Council President Settipane, aye; Councilor Willis, aye; Councilor Swain, aye; Councilor Littman, aye; Councilor Long, aye. The motion passed.

Upon returning from executive session, it was moved by Councilor Long, seconded by Councilor Littman to seal the minutes from the public. The vote was, Council President Settipane, aye; Councilor Willis, aye; Councilor Swain, aye; Councilor Littman, aye; Councilor Long, aye. The motion passed.

It was moved by Councilor Swain, seconded by Councilor Willis to direct the Town Administrator to enter into discussion regarding the land acquisition and lease negotiation as discussed in the executive session. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Littman, seconded by Councilor Long to adjourn the meeting at 11:00 PM. So unanimously voted.

Attest:

Arlene D. Kalooski
Town Clerk

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