

TOWN COUNCIL MEETING

January 27, 2003

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:08 PM by Council President Guy J. Settipane. The following members were present:

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

also present were:

Maryanne Crawford, CPA, Town Administrator
Arlene D. Kalooski, Town Clerk
Douglas R. DeSimone, Town Solicitor
Christina Collins, Finance Director
Lisa Bryer, Town Planner
Christopher Powell, Conservation Commission Chair
Julio DiGiando, Harbor Management Commission
Richard Condon, Harbor Management Commission
Harrison Wright, Harbor Management Commission
Katherine E. Sipala, School Superintendent

School Committee members present were:

Catherine L. Kaiser, Chair
William C. Brennan (arrived at 7:30 PM)
Elizabeth H. Gooding
Barbara Davis

Brenda Dillman, Planning Consultant
Richard Pastore, Engineering Consultant (arrived at 7:30 PM)

AWARDS, PRESENTATION AND ACKNOWLEDGMENTS

None

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

- 1) Order To Show Cause and Notice of Hearing from the State of Rhode Island re: Town of Jamestown & Island Beverage, Inc dba: Jamestown Liquors

The Town Solicitor reported that appeals have been taken relating to decisions made by the Jamestown Alcoholic Beverage Licensing Commission. Those appeals are being heard by the Department of Business Regulations on February 6, 2003, as well as a show cause hearing in the matter of The Town of Jamestown and Island Beverages, Inc. d/b/a Jamestown Liquors

(respondents) to answer why the Department should not issue an order revoking the Class A liquor license held by Island Beverages, Inc. The Town Solicitor further stated that it was his understanding Jamestown should not hold a hearing for the revocation of license until after the original appeals had been heard by the Department of Business Regulations and therefore, this show cause hearing is out of order.

It was the consensus of the Council to direct the Town Solicitor to communicate with the Department of Business Regulations that following the appeals process, the Town of Jamestown is ready to order a hearing in accord with Rhode Island General Law on the revocation of license.

CONSENT AGENDA

It was requested that items # 1 (a) and 3 (a) be removed from the consent agenda. Motion by Council President Settignano, seconded by Councilor Long to approve the consent agenda as amended. So unanimously voted. The consent agenda consists of:

- 1) Adoption of Council minutes:
 - a)
 - b) Budget Meetings (01/08/2003, 01/09/2003, 01/16/2003, 01/14/2003)
- 2) Bills and Payroll
- 3) Copies of Minutes of Boards & Committee Meetings:
 - a)
 - b) Conservation Commission (11/12/2002)
 - c) Harbor Management Commission Sub Committee (01/06/2003)
 - d) Library Board of Trustees (12/17/2002)
- 4) RI CRMC Notices:
 - a) Jamestown High Street Right-of Way meeting Tuesday, January 28, 2003 at 6 PM
- 5) Press Release
 - a) Tree Preservation and Protection Committee
 - b) Quonset/Davisville Liaison Committee
 - c) Personnel Board
- 6) Memorandum from the RI Auditor General re: Local Elected & Public Officials Seminar
- 7) Abatements/Addenda from the Tax Assessor

- 1) Adoption of Council minutes:
 - a) 01/13/2003 Regular Meeting

Councilor Littman noted that the motion regarding the fish-processing vessel was missing from the minutes. The Clerk was directed to listen to the tape and include that motion in the minutes and return them to the Council for approval.

- 3) Copies of Minutes of Boards & Committee Meetings:

- a) Jamestown Housing Authority (05/08/2002, 06/12/2002, 07/10/2002, 08/14/2002, 10/09/2002, 09/11/2002)

Councilor Willis expressed her concern that the minutes for the Jamestown Housing Authority have not been submitted in a timely manner. The Town Clerk was directed to write to the Jamestown Housing Authority requesting that they submit their minutes to the Council pursuant to the Open Meetings Law and Access to Public Documents.

It was moved by Councilor Willis, seconded by Councilor Swain to accept the minutes of the Jamestown Housing Authority. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (2) litigation

It was announced by Council President Settipane that there would be an executive session later in the evening regarding a Worker's Compensation matter.

PUBLIC HEARINGS

- 1) Proposed Zoning Ordinance Amendments related to the protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer (duly advertised in the Jamestown Press on January 9, 16 and 23, 2003)

Council President Settipane opened the hearing on the proposed zoning ordinance amendments related to the protection of critical lands containing freshwater wetlands, high ground water table and/or shallow impervious layer at 7:21 PM.

Council President Settipane noted that this proposed ordinance came for hearing on a previous occasion and was returned to the Planning Commission for changes. President Settipane summarized the proposed ordinance as advertised in the Jamestown Press on January 9, January 16 and January 23, 2003.

The Town Planner stated that standards are being added to Section 308 so that as the Zoning Board reviews a request for a variance, they will have standards to refer to.

Section 314 creates an overlay district which encompasses the majority of the Jamestown Shores area and the old Conanicut Park plat. Those areas contain non-conforming lots where public sewer and water are not available and have significant areas of high groundwater table and shallow impervious layer. The Overlay District will be broken into two site specific Sub-Districts; Sub-District "A" shall be those areas where the seasonal high groundwater table has been determined to be less than or equal to eighteen (18) inches or the impervious layer is less than or equal to forty-two (42) inches below the original grade and Sub-District "B" shall be those areas where the seasonal high

groundwater table has been determined to be greater than eighteen (18) inches and equal to or less than forty-eight (48) inches or the impervious layer is between forty-two (42) inches and sixty (60) inches below the original grade.

President Settipane opened the hearing for audience comment.

William Maclean, Stern Street, inquired where the districts are.

Town Planner Bryer indicated that the overlay district is shown on the map included with the proposed ordinance. President Settipane noted that a Soil Scientist would determine what sub-district a lot would be in.

John Murphy, Narragansett Avenue generally addressed the ordinance stating that it is a substantial change and imposition upon the property owners to meet the requirements of Section 308. Mr. Murphy stated that this proposed ordinance creates a three-layer process; (1) Rhode Island Department of Environmental Management (with experts), (2) Development Plan Review (with the Planning Commission and (3) with the Zoning Board of Review. This is unfair to property owners.

Mr. Murphy suggested eliminating the Development Plan Review stage and using the Zoning Board of Review (the quasi-judicial decision making body). Mr. Murphy also suggested adopting a simple amendment to the ordinance with the provision of this shall not apply to those lots that are greater than 80,000 sq. ft. and for which a valid permit has been issued by the Rhode Island Department of Environmental Management (RIDEM) for the installation for an ISDS serving a single family residence.

Christopher Powell noted that RIDEM minimum standards setback is 50 feet; however, they presented legislation for 150 feet because of the influence of ISDS on wetlands but that legislation was never passed. South Kingstown and other communities have adopted the larger setback of 150 feet and it has been upheld in court.

Richard Pastore commented that RIDEM does not consider the surrounding impact nor does it look at land development when considering variances. Land Development Plan Review allows the Town to look at issues such as storm-water runoff and water quality impacts and wetlands impacts.

Larry Smith, Beacon Avenue, professional engineer, spoke against the proposed ordinance and gave a technical presentation. Mr. Smith specifically addressed Section 314 (B) (3) where the separation between the leach field and a potable well is less than 100' microbiological treatment of the effluent shall be required through ultra violet treatment of the effluent prior to discharge to the leach field.

Mr. Smith thought that sand filters were adequate. Additionally, Mr. Smith expressed concern with the portion of the proposed ordinance prohibiting construction where the finished or unfinished level of the basement floor is within 12 inches of the seasonal high ground water table.

Mr. Pastore replied that the ultraviolet has a much better kill rate for the bacteria.

Mark Liberati, Old Walcott Avenue, suggested simplifying the ordinance. Also, Mr. Liberati

questioned the need for the statement is necessary under requests for dimensional variances in Section 308, item #6 – will not degrade the recreational or educational value of any wetland or water body. Mr. Liberati stated that in Sub-District “A” and “B” there is no distinction between types of variances, such as use variance versus dimensional variance.

John Lawless, Coronado Street, engineer and system designer, made a technical presentation with drawings and requested that Section 314 (B) (1) be amended to state, All subsurface structures, except septic tanks and cisterns shall have a twelve (12) inch....

Charlotte Zarlengo, Seaside Drive, stressed the need for this ordinance.

Robert Crooks, Hull Street, inquired if this ordinance prohibits the installation of a cistern.

The Town Planner stated that any structure below the surface displaces groundwater. A variance would need to be applied for, unless amended.

Amy Barclay de Tolly, Ferry Street, encouraged the Council to adopt an ordinance that would address stormwater management. Ms. de Tolly stressed the need for properties to be protected.

Sav Rebecchi, Sail Street, inquired what a driveway, walkway or patio constructed using a permeable pavement would be.

Mr. Pastore noted that there is such a thing as a permeable asphalt that has a zero runoff where the water goes right through it.

Mr. Rebecchi addressed item (B) (5) which states, total impervious surface coverage shall not exceed 15%. Mr. Rebecchi presented a drawing of a 7200 sq. ft. lot with 15% coverage and 25% coverage and indicated that following the ordinance itself is protection; therefore, limiting a lot to 15% coverage is not necessary.

Mr. Murphy noted that the lots at Sunset Farm are 80,000 sq. ft. plus, with 10 acres given as a conservation easement to the Land Trust specifically for environmental purposes, including drainage. Mr. Murphy requested that Sunset Farm subdivision be excluded as these are not problem lots.

Kristen Zhivago, Seaside Drive, suggested that the ordinance be written in plain English with examples of how the ordinance will affect specific situations.

James Tobin, Neptune Street, encourage the Council to pass this ordinance.

Sterling Graham, Racquet Road, suggested installing storm drains.

Council President Settipane called for comment from the Council.

Following Council discussion the following changes will be considered:

Section	Suggested Change
B. Development within Sub-district B	<ol style="list-style-type: none"> 1. All subsurface structures <u>except septic tanks and cisterns</u> shall have a twelve (12) inch separation between the bottom elevation of the structure and the seasonal high groundwater table. 3. Where the separation between the leach field and a potable well is less than 100', microbiological treatment of the effluent shall be required through ultra violet treatment of the effluent prior to discharge to the leach field. The treatment shall. must result in a final concentration of fecal coliform of less than or equal to 200 mpn/100ml. 4. All new ISDS shall be located on the same lot as the structure it serves. (this conflicts with what RIDEM allows) 5. Total impervious surface coverage shall not exceed 15% (possible change to 20%)
C. Variances	Clarify: Use Variance versus Dimensional Variance
C. Variances, d. Stormwater Management	Remove (d) Stormwater Management (for consideration of separate ordinance)

It was moved by Council President Settupane, seconded by Councilor Long to continue the hearing to February 10 at 7:30 PM. So unanimously voted.

It was the consensus of the Council to move the budget up to this portion of the meeting.

NEW BUSINESS

1) Approval of Fiscal Year 2003-2004 Budget

Council President Settupane commended the Town Administrator and the School Committee for putting together a responsible budget.

The Town Administrator reviewed the budget as presented to the Council. The budget at the close of hearings is at a 4.65% tax increase. This does not take into consideration valuation on motor vehicles and tangible properties, nor the exemption numbers from the Tax Assessor. At the present time we are looking at a tax rate of \$13.90. The NAGE union contract is in the process of being wrapped up and it is expected that the Council will discuss this further as it relates to the budget. Without the NAGE negotiations being considered, the budget is as follows:

Town Budget	\$5,958,643.00
School Budget	<u>\$9,631,409.00</u>
Total Combined Budget	\$15,590,052.00

The Town Administrator stated that if you take into consideration departmental revenues for both the Town and School, the budget from taxes is \$12,475,976.00.

Councilor Littman mentioned that there is money set aside in the Legal line item for impact fees in the amount of \$5,000.00. Councilor Littman stated that although this has been discussed over the years, it would seem that we have been declining in school enrollment and perhaps this is not the time to take this on. Therefore, Councilor Littman suggested using these funds, if necessary, towards contract negotiations and deferring impact fees until next year.

It was the consensus of the Council to use the special legal fees on line item #70050.202 in the amount of \$5,000.00 for contract negotiations.

It was moved by Council President Settupane, seconded by Councilor Long that we approve the budget as presented and amended by the \$5,000.00 to the Town Council for the year 2003/2004, subject to no additional increase resulting from the contract negotiations with NAGE, with the discretion afforded the Town Administrator to make the appropriate adjustments elsewhere in the budget so that we continue the same balance numbers. So unanimously voted.

2) Approval of Ten-Year Capital Budget

Council President Settupane noted that the approval of the Ten-Year Capital Budget is being continued.

3) Warnings for Town Meeting - approval

The Town Administrator reviewed Resolution Number 5 – CHANGE IN THE DATE OF THE FISCAL YEAR. The Town Administrator noted an error in the date and requested that the date be corrected. The Resolution should read to adopt a budget for the period of March 2, 2004 to June 30, 2005...

The Town Solicitor informed the Council that he will be preparing the legislation to change the fiscal year, in that way, the Town will not have to borrow money to make this change. The Town will need legislation to extend our budget to a fifteen month budget rather than an annual budget, the Town will also need legislation to exceed the 5.5% budget cap. Following the change the Town will return to an annual budget from July 1 to June 30. Mr. DeSimone noted that there is no guarantee that the legislation will be passed. Absent the legislation, the fiscal year will not change.

It was moved by Councilor Littman, seconded by Council President Settupane to approve the Warrants for the Town Financial Meeting with the change in Resolution Number 5 to reflect the change in date to March 1, 2004, to June 30, 2005. So unanimously voted.

It was the consensus of the Council to address Harbor Management Commission under Reports of Boards, Committees and Town Officials.

- 6) Harbor Management Commission
 - a) Letter from Acting Chair re: Harbor Management Ordinance

It was moved by Councilor Swain, seconded by Council President Settipane to accept the letter from the Acting Chair regarding the Harbor Management Ordinance. So unanimously voted.

- b) Proposed Harbor Management Ordinance

The Town Solicitor noted that there has been a recommendation from the Harbor Management Commission to reduce the harbor fees. Pursuant to the Harbor Ordinance, if there is a change in harbor mooring fees it would necessitate a hearing being held.

The Town Administrator informed the Council that the with the current rates in place, the Harbor Management Commission has budgeted \$110,581.00; the received \$112,688.00. With a drop in mooring fees by \$.15 the anticipated revenue would be \$106,023.85. Actual increase in amount of revenue generated would be approximately \$4,000.00 to \$6,000.00.

It was moved by Councilor Willis, seconded by Councilor Long to keep the harbor mooring fees at their current rate. So unanimously voted.

- c) Guidelines for the Development of Municipal Harbor Management Plans

Following discussion with Harbor Management Commission members it was the consensus of the Council to request that the Town Clerk set up a workshop up for the Harbor Management Plan and the Harbor Management Ordinance.

- d) Approval of 2003 mooring permit fees

Previously discussed.

OPEN FORUM

- 1) Scheduled Requests to Address

None

- 2) Non-Agenda Requests to Address

None

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

- 1) Town Administrator's report

Following review of the Town Administrator's report, it was moved by Council President Settipane, seconded by Councilor Long to accept the Town Administrator's report. So unanimously voted.

- 2) Library Board of Trustees
 - a) One vacancy exists, term ending 12/31/2005, duly advertised; if favorable appoint:
 - i) Request for reappointment
 - Lisa Tyre – served one full term and interviewed 12/16/2002

Councilor Swain abstained from the discussion and vote regarding the Library Board of Trustees appointment.

It was moved by Council President Settipane, seconded by Councilor Long to reappoint Lisa Tyre to the Library Board of Trustees, term ending 12/31/2005. It was voted four in favor with Councilor Swain abstaining.

- 3) Jamestown Housing Authority
 - a) One vacancy exists, term ending 12/31/2007, duly advertised; if favorable appoint:
 - i) Susan James; interviewed 01/14/2003

It was moved by Councilor Willis, seconded by Councilor Long to appoint Susan James to the Jamestown Housing Authority, term ending 12/31/2007. So unanimously voted.

- 4) Coastal Resource Management Council liaison Committee
 - a) Request from CRMC re: committee member

The Town Clerk reported that the present committee member is Emmett Turley, with a term ending 5/31/2003.

It was the consensus of the Council to advertise the vacancy for a committee member to the Coastal Resource Management Council.

- 5) Affordable Housing Committee
 - a) Memorandum re: status of Grinnell Street

It was moved by Councilor Long, seconded by Councilor Swain to accept the memorandum from Affordable Housing. So unanimously voted.

- b) Memorandum re: membership

It was moved by Councilor Swain, seconded by Councilor Long to accept the memorandum from Affordable Housing regarding membership. So unanimously voted.

It was the consensus of the Council that the issue regarding membership to Affordable Housing be placed on the next Town Council agenda to declare an open position and request advertisement.

- 6) Harbor Management Commission
 - a) Letter from Acting Chair re: Harbor Management Ordinance

Previously discussed.

- b) Proposed Harbor Management Ordinance

Previously discussed.

- c) Guidelines for the Development of Municipal Harbor Management Plans

Previously discussed.

- d) Approval of 2003 mooring permit fees

Previously discussed.

- 7) Jamestown Police Department
 - a) Letter from Police Chief Tighe re: award a bid for a Police Telephone Recorder to Dictronics for an amount not to exceed \$13,673.00

It was moved by Councilor Swain, seconded by Councilor Long to award the bid for the telephone recorder to Dictronics for an amount not to exceed \$13,673.00. So unanimously voted.

UNFINISHED BUSINESS

- 1) Landfill site remediation (*per Town Administrator*)

The Town Administrator noted that the landfill site remediation was put on the Council agenda following their decision of the location for the Highway Facility. GZA GeoEnvironmental suggested three alternative plans and one recommendation as to how the Town should proceed with site remediation. The Town Administrator suggested that she forward information to the Council regarding the GZA GeoEnvironmental plans so that this can be put on the next Council agenda for a decision.

It was the consensus of the Council that the Landfill site remediation be continued to the next agenda.

- 2) Personnel Board re: charge of the board (continued from 1/13/2003)

Council President Settupane requested background information from former Charter Review Committee Chair Sav Rebecchi regarding the charge for the Personnel Board. Mr. Rebecchi stated

that it was the intent of the Charter Review Committee that the Personnel Board should be proactive in assisting the Town Clerk with her responsibilities of recruiting individuals, keeping track of and educating volunteers and bringing public recognition to those volunteers.

The Town Clerk reviewed the process by which volunteers are procured through the Clerk's office. The Clerk suggested that she meet with the Personnel Board to discuss how they can work together on Council appointments.

It was the consensus of the Council to put this on the agenda following discussion with the Personnel Board.

- 3) Jamestown Housing Authority re: request to waive PILOT funds for 2001, 2002 and 2003 (continued from 1/13/2003)

It was the consensus of the Council that the Town Solicitor review what previous Town Council's have done when waiving PILOT funds and to continue this to the next Town Council meeting on February 10, 2003.

- 4) Boards, Commissions, and Committees (per Councilor Willis)
 - a) Memorandum from the Town Clerk's Office
 - b) Committee update:
 - i) Terms
 - ii) Press Releases

No action taken.

COMMUNICATIONS

- 1) Letter to the Council from Karen & Anthony Rafanelli re: Police Department

It was moved by Councilor Long, seconded by Councilor Willis to accept the letter from Karen and Anthony Rafanelli. So unanimously voted.

NEW BUSINESS

- 1) Approval of Fiscal Year 2003-2004 Budget

Previously discussed.

- 2) Approval of Ten-Year Capital Budget

Previously discussed.

- 3) Warnings for Town Meeting – approval

Previously discussed.

- 4) Conanicut Marine Services re: lease agreement/services

Council President Settipane noted that this is on the agenda to discuss the proposed funding by Conanicut Marine. Conanicut Marine is proposing to repair the wood pile pier donating to the Harbor Budget \$12,500.00 this year and \$12,500.00 next year towards the project.

The Town Solicitor stated that this is not a requirement under the lease; however, it can be accepted by the Town as a gratuity. It must be done with the clear understanding that it is not part of their lease.

Council President Settipane suggested that it should be done with a written agreement as to the type of work and commitment of money. Mr. DeSimone further suggested that he contact the attorney for Conanicut Marine Services to work out a memorandum with the terms and conditions.

It was the consensus of the Council to continue the item to the February 10 Council meeting.

- 5) Letter of claim from Susan Vetromile re: automobile

It was moved by Council President Settipane, seconded by Councilor Long to accept the letter from Susan Vetromile, deny the claim and refer the letter of claim to the Town Solicitor. So unanimously voted.

- 6) Letter of claim from Neil Empson re: broken window

No action taken.

OPEN FORUM continued

Harrison Wright, Harbor Management Commission member

Representative Bruce Long informed the Council the Economical Development Corporation is in the process of reorganizing. It is expected that there will be legislation to provide for a Jamestown resident to become a member of that board.

Representative Long reported that the request for legislation from the Council regarding the Sewer Bond and the Senior Tax Exemption has been submitted to the General Assembly.

EXECUTIVE SESSION

It was moved by Council President Settipane, seconded by Councilor Swain to adjourn into executive session at 10:35 PM, pursuant to RIGL 42-46-5 (a) (2) litigation. It was voted, Councilor Littman,

aye; Councilor Willis, aye; Councilor Swain, aye; Councilor Long, aye; Council President Settipane, aye. The motion passed unanimously.

1) Pursuant to RIGL 42-46-5 (a) (2) litigation

The Council returned from executive session at 10:50 PM. It was moved by Council President Settipane, seconded by Councilor Willis to seal the minutes of the executive session. It was voted Council President Settipane, aye; Councilor Littman, aye; Councilor Swain, aye; Councilor Willis aye. The motion passed.

It was moved by Council President Settipane, seconded by Councilor Long to instruct the Town Administrator and Town Solicitor to proceed with a negative response as discussed in executive session. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor Swain to adjourn the Council meeting at 10:53 PM. So unanimously voted.

Attest:

Arlene D. Kalooski
Town Clerk

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