

TOWN COUNCIL MEETING

February 24, 2003

(as amended March 10 and 24, 2003)

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:05 PM by Council President Guy J. Settipane. The following members were present:

David A. Swain, Vice President
Kenneth J. 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
Thomas P. Tighe, Police Chief
Lisa Bryer, Town Planner
Fred Pease, Town Sergeant
Arek Galle, Town Buildings and Facilities Committee
Samuel Paterson, Harbormaster
Representative Bruce Long
Senator Teresa Paiva-Weed

Representing the Harbor Management Commission:

David Pritchard, Chair
James Archibald
Julio DiGiando
Harrison Wright

Representing the Planning Commission:

Gary Girard, Chair
Betty Hubbard
Andrew Kallfelz

Attending for RIDOT presentation were:

James Caroselli, Area Engineer
Donald DiBiasio, Chief of Community Affairs
Michael Swift, Resident Engineer

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Presentation from the Rhode Island Department of Transportation re: update on Phase II – Jamestown/Verrazano Bridge Repair

Mr. DiBiasio informed the Council that Phase II of the repair work on the Jamestown/Verrazano Bridge will begin on March 3, 2003. Barriers will be set up on Monday evening to allow for the demolition and replacement of the joints in both high-speed lanes. Mr. DiBiasio stated that RIDOT expects to be off the road by June 20, 2003.

The Town Administrator asked if there would be a staging area under the bridge at Seaside Drive. Mr. Swift noted that there would be storage of materials and equipment under the bridge, as well as an administrative trailer at the pump house on North Road.

The Town Administrator expressed her concern regarding the traffic backup and the interference with the clear passage of emergency vehicles such as the rescue squad to South County Hospital. Mr. Swift noted that RIDOT would be working from 7:00 am to 3:30 pm each day; as such, they are not present at the rush hour traffic. Mr. Swift suggested that any traffic backup should be reported to the Police Dispatcher. The travel lanes will be approximately 12 feet wide.

Council President Settipane suggested coordinating efforts with the North Kingstown Police Department and requested that RIDOT work at finding a remedy.

- 2) Proclamation honoring Victor V. Calabretta, as “Engineer of the Year”

Councilor Swain read the proclamation honoring Victor V. Calabretta as Engineer of the Year. The proclamation will be forwarded to Rhode Island Society of Professional Engineers for presentation at their meeting on February 27, 2003.

It was moved by Councilor Swain, seconded by Councilor Long to accept the proclamation as read. So unanimously voted.

Representative Long and Senator Teresa Paiva-Weed presented citations in honor of Mr. Calabretta. The Town Clerk noted that the citations would be delivered with the Town proclamation.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

It was requested that items #1 (a), 2, 5 (a) and (b) be removed from the consent agenda. Motion by Council President Settipane, seconded by Councilor Littman to approve the consent agenda as amended. So unanimously voted. The consent agenda consists of:

- 1) Adoption of Council minutes:
 - a)
- 2)
- 3) Copies of Minutes of Boards & Committee Meetings:
 - a) Conservation Commission (01/14/2003)
 - b) Water Resource Protection Committee (12/04/2002)
 - c) Harbor Management Commission (01/22/2003, 02/06/2003)
 - d) Planning Commission (01/15/2003)
 - e) Library Board of Trustees (01/21/2003)
- 4) CRMC Notices:

- a) Thomas & Linda Pearson, 15 Seaside Drive re: construction of a timber pier located at Plat 14 Lot 18; 15 Seaside Drive
- b) Town of Jamestown, Conservation Commission re: construction of a 450 ft. extension to existing nature trails and construction of a wildlife viewing platform; Plat 7 Lot 4, East Shore Road
- 5) DEM Notices
 - a)
 - b)
- 6) Navy Station Newport Restoration Advisory Board Meeting (01/15/2003)
- 7) International Brotherhood of Police Officers Local 305 re: grievance of Officer Clarke Westall

- 1) Adoption of Council minutes:
 - a) 02/10/2003 Regular Meeting

Councilor Willis noted that she wasn't present for the meeting on February 10 and therefore would abstain from the vote.

It was moved by Council President Settupane, seconded by Councilor Long to accept the minutes for the 02/10/2003 Town Council meeting. The vote was four in favor with Councilor Willis abstaining.

- 2) Bills and Payroll

Councilor Willis requested additional information on the bill for Wheelocks Auto Parts, Inc. in the amount of \$1,017.54. The Town Administrator reported that the expenses were for a number of parts, such as air filter kits and other repairs.

It was moved by Councilor Willis, seconded by Councilor Littman to approve the Bills and Payroll. So unanimously voted.

- 5) DEM Notices
 - a) Proposed permit actions under the RI Pollutant Discharge Elimination System (RIPDES) program which regulates discharges into the waters of the State
 - b) Request for Proposals for Nonpoint Source Pollution Abatement Grants

Council President Settupane requested the request for proposals for nonpoint source pollution abatement grants be put on the Council agenda in April for an update from the Town Planner.

It was moved by Council President Settupane, seconded by Councilor Long that the Council adopt the DEM notices (a) and (b). So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Settupane announced that there is an executive session planned for later in the evening.

- 1) Pursuant to RIGL 42-45-2 (a) (5) real estate (lease negotiations)
 - a) Conanicut Marine Services (continued to executive session per Town Solicitor 2/10/2003)
- 2) Pursuant to RIGL 42-45-2 (a) (5) real estate (land acquisition)
 - a) Water Resource Protection Committee – status report and discussion

PUBLIC HEARINGS

- 1) Proposed Zoning Ordinance Amendment to Section 1203 – Minimum Off-Street Parking Requirements in the Village Business District (duly advertised February 6, 13 and 20, 2003)
 - a) Memorandum from the Planning Commission

Following the ~~close~~ *continuation* of the hearing, it was moved by Councilor Long, seconded by Councilor Willis to accept the memorandum from the Planning Commission. So unanimously voted.

- b) Report from the Jamestown Chamber of Commerce prepared by planning consultant Andrew Lachowicz

It was moved by Council President Settupane, seconded by Councilor Willis to accept the report prepared by planning consultant Andrew Lachowicz. So unanimously voted.

Council President Settupane opened the public hearing relating to the Proposed Zoning Ordinance Amendment to Section 1203 – Minimum Off-Street Parking at 7:25 PM.

John Murphy, attorney representing the Jamestown Chamber of Commerce, opened his verbal presentation with the statement indicating that the business community is interested in preserving the village. Mr. Murphy stated that there is a disconnect between specific zoning requirements for off-street parking and the Comprehensive Plan; therefore, the proposed Zoning Ordinance amendment has been presented. Additionally, Mr. Murphy noted that it is recognized that most businesses in the village ~~to~~ *do not* meet parking requirements. Almost all of those properties exist because they existed prior to the adoption of the Zoning Ordinance or they have received some type of variance. The burden of seeking variances for parking is cumbersome and costly. The proposed ordinance as presented states, what exists today is what is wanted for the future. Therefore, with respect to what now exists you are in conformance. Mr. Murphy suggested adding the word *lawfully* in the first paragraph following ...to uses and/or structures *lawfully* existing as of January 1, 2003.... Mr. Murphy stated that one of the burdens of being non-conforming is that financing is not readily available because of this non-conformance.

Mr. Murphy requested that the Council hear testimony from two witnesses.

Kevin Chamberlain, Commercial Loan Officer and consultant to the Chamber of Commerce was sworn in by the Town Clerk. Mr. Chamberlain testified that business owners in non-conformance to the Zoning Ordinance are a major concern to Underwriters. Mr. Chamberlain further stated that this non-conformance has a negative impact on the value of a property.

Anthony W. Lachowicz, Planning and Zoning Consultant, Wakefield, RI was sworn in by the Town Clerk. Mr. Lachowicz reviewed the report submitted to the Council in their packet and requested that it be considered part of the record of this hearing. Mr. Lachowicz's resume was submitted as exhibit #1, additionally, Mr. Lachowicz submitted an amendment to his report dated February 24, 2003 as exhibit #2. Mr. Lachowicz noted that he was retained by the Jamestown Chamber of Commerce to undertake a parking survey of conditions that are specific to the requested zoning amendment. The proposed zoning amendment applies to a certain portion of properties on Narragansett Avenue; specifically, from Conanicus Avenue to Holland Avenue on the south to St. Mark Church on the north. There are a total of 40 properties that would be affected directly. This study was reviewed in detail by Mr. Lachowicz.

Council President Settipane called upon the Town Planner for comments.

The Town Planner stated that the Planning Commission has not had the opportunity to review the changes to the proposed ordinance that were presented this evening. Ms. Bryer noted that the Planning Commission has recommended denial of the proposed ordinance. However, the Planning Commission does recommend that it would be a greater benefit to the businesses of our downtown to look at the current Section 1203 and after a parking analysis, determine what amendment/relaxation of the regulations would be appropriate. With this approach, Ms. Bryer stated that it would ensure that new or expanded businesses are treated fairly. It was also suggested that the Planning Commission and the Council go forward and implement the actions outlined in the 2002 Comprehensive Plan related to parking and continue to work with the Chamber of Commerce in the process.

Gary Girard, Planning Commission Chair noted that the Planning Commission has moved the issue of downtown parking into year one of the Comprehensive Plan in order to immediately identify the problems and to work on a solution.

Daniel Lilly, Seaside Drive spoke in favor of the proposed ordinance and suggested looking at Fort Getty and Taylor Point as possible solutions.

Arthur Milot, Walnut Street opposed the proposed ordinance, suggesting that he would like to see business slowed down.

Richard Allphin, Clarke Street questioned the creation of a hardship relating to financing and any parking situation.

Barbara Szepatowski, Riptide Street noted that several parcels have onsite parking. Ms. Szepatowski suggested inserting the phrase *adequate parking* into the ordinance.

Richard Eannarino, East Shore Road noted that it is financially burdensome to the business owner to attempt to sort out parking issues.

Matthew Clarke, Keel Avenue supported the proposed ordinance and noted that he is the owner of two business properties without parking and encouraged the Council to solve the immediate parking issues by passing this ordinance.

Christopher Powell, Mt. Hope Avenue stated that the community should be represented in this issue.

Gary Girard noted that part of the process the Planning Commission will be following would allow for public input. Mr. Girard asked the Town Solicitor what the definition of lawful is as it relates to the proposed ordinance.

The Town Solicitor noted that the insertion of the word lawful modifies the use that is being made of the property. The Zoning Ordinance requires parking; therefore, you may have a circumstance where the use itself is a lawful use but you are not in compliance with the Zoning Ordinance.

Mary Webster, Mt. Hope Avenue stated that the ordinance is vague and open ended and that she was opposed to it.

Michael Swistak, Narragansett Avenue expressed his concern with the cost associated with applying for a variance as this puts a tremendous burden on businesses. He suggested that the Building Official set a baseline and have everyone agree on what is approved so that a situation such as Tricia's Tropigrille does not happen again. Mr. Swistak noted that the business community is in favor of working with the Planning Commission; however, he strongly encouraged the Council to pass the proposed ordinance amendment with a sunset clause.

There being no further comment, Council President Settipane called for Council discussion.

Upon Council inquiry regarding the possibility that this could be considered spot zoning by only considering 40 of the village lots, the Town Solicitor noted that several other communities in the State provide relief from the general property requirements in certain areas of the municipality, especially in areas considered as historic villages. The Council should be considering if the proposed amendment is in compliance with the Comprehensive Plan.

There was discussion relating to the possibility of including a sunset clause whereby a phase out date would be added to the amendment, thus allowing the Planning

Commission time to address parking issues while alleviating the immediate concerns of the business community.

The Town Planner stated that the problems have not been fully identified and recommended that the Planning Commission schedule a joint workshop with the Chamber of Commerce and the Harbor Commission in April to further discuss downtown parking. Ms. Bryer indicated that the Planning Commission has fast-tracked the parking issue and has placed it as a priority for 2003.

Council President Settipane suggested that additional expert information is needed for a more detailed ordinance.

John Murphy commented that if the hearing is continued to a selected deadline and at the same time, under a separate motion, the Planning Commission is charged with conducting a study within that deadline, the Council could continue to consider this amendment.

Council President Settipane inquired if 120 days would be agreeable to the Chamber of Commerce. Councilor Murphy indicated that that would be agreeable. Mr. Lachowicz stated that it might take longer than 120 days to begin such a process.

Councilor Swain indicated that the parking problem is a seasonal problem and suggested that any consultant should consider the summertime when reviewing this issue.

John Murphy stated that this proposal is so limited that it can be granted while the Planning Commission completes its study.

It was moved by Council President Settipane, seconded by Councilor Swain to continue the hearing on the proposed Zoning Ordinance Amendment to Section 1203 – minimum off-street parking requirements in the village business district to the March 10, 2003 Town Council meeting. So unanimously voted.

Council President Settipane announced a five-minute break at 9:00 PM.

The Planning Commission left following the continuation of the hearing.

The meeting resumed at 9:18 PM.

OPEN FORUM

- 1) Scheduled request to address
- 2) Non-scheduled request to address

Russian Fish Processing Vessel

William Quinby of Mayflower International, the U. S. representative for the Russian factory vessel Dauriya informed the Council that processing began on Sunday. There were 750 tons of fish processed. Mr. Quinby requested that the Council consider lifting

one of the conditions on the permit for a trial basis. The 12:00 midnight to 6:00 AM curfew on loading is creating a burden on the smaller fishing boats that are not equipped with refrigerated seawater systems. Mr. Quinby stated that the pumping system is located inside the vessel and is not heard from outside the ship. RIDEM is reluctant to change the permit; however, they are willing to allow a trial period without the curfew for vessels that need to use the pump on the Dauriya to get their fish onboard.

Council President Settipane noted that the vessel has just recently arrived and the impact on Jamestown has not been assessed. President Settipane stated that there may be lighting or noise issues to be addressed.

James Archibald, Mast Street stated that he works at the Jamestown Boatyard and there is a significant difference in the noise level this year – it is much quieter.

Fred Pease, Maple Avenue noted that the noise from pump located on the Dauriya cannot be heard from outside the vessel. Mr. Pease suggested that RIDEM should come to the Council for permission.

Sav Rebecchi, Sail Street noted that noise problems in the past were caused by noisy generators. Mr. Rebecchi suggested that if this boat has power generators perhaps the curfew could be reconsidered.

The Council discussed their support of the fishing industry while trying to balance their concerns for residents.

It was the consensus of the Council that if Mr. Quinby or RIDEM would like to discuss this issue further, it should be placed on a Council agenda.

Arek Galle, Town Buildings and Facility Committee, requested that Mr. Siegmund and Mr. Todd give an overview of their presentation made to the Town Council to the committee.

The Council discussed the request by Mr. Galle and noted that the presentation by Mr. Siegmund and Mr. Todd was given at a public meeting whereby a decision was made.

It was the consensus of the Council that they would not retain Mr. Siegmund and Mr. Todd to give an additional presentation to the Town Building and Facilities Committee.

The Council is moving forward to the next step in the process and has included a member of the Town Building and Facilities Committee in the interviews scheduled for applicants that have responded to the Town's request for quotes.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

- 1) Town Administrator's report (verbal)

Snow Removal

The Town Administrator reported that she has received a notice from the Emergency Management requesting the costs associated with the snow removal for the storm on Monday and Tuesday as it relates to labor, materials, supplies and equipment in an attempt to obtain funds for Rhode Island communities.

The Town Administrator commended the Department of Public Works on the fine job they did with snow removal and street sanding.

Proposed Noise Ordinance

Bennett Brooks, Consultant, has reported that he is expecting to have a draft ordinance for the Council's review on March 10, 2003.

Financial Town Meeting (change in fiscal year)

The Town Administrator noted that because the Town's local election is held in May, it could present a difficult task to a newly elected Council to immediately be familiar with a budget that is to be presented at a Financial Town Meeting in June or July.

The Town Solicitor stated that in the event the resolution is passed at the Financial Town Meeting on Monday, legislation would be prepared for presentation to the General Assembly.

It was the consensus of the Council that the change in fiscal year be continued on the agenda for additional discussion and recommendations.

- 2) Conservation Commission
 - a) Resignation letter from Carol Crafts

It was moved by Councilor Littman, seconded by Councilor Willis to accept the resignation from Carol Crafts. So unanimously voted.

- b) RIGL 45-35-2 Appointment of Commission Members
- c) Memorandum from Chair re: appointments
- d) Three (3) vacancies exist, one term ending 12/31/2004 and two terms ending 12/31/2005; duly advertised and interviews completed, if favorable:
 - i) For reappointment, 2 terms ending 12/31/2005:
 - Richard Tyre; interviewed 12/09/2002 (2 terms served)
 - Don Minto; no letter of interest submitted (1/2 term served)
 - ii) For appointment, term ending 12/31/2004:
 - H.F. "Rick" Kurz; interviewed 01/14/2003
 - Patrick Bolger; interviewed 01/14/2003
 - Susan Vetromile; interviewed 02/10/2003
 - Carol Lynn Trocki; interviewed 02/10/2003
 - Amy Barclay DeTolly; interviewed 02/18/2003

Christopher Powell, Conservation Commission Chair, recommended reappointing Richard Tyre and recommended making the additional appointments from a list as indicated in his memorandum.

Following a discussion of applicants, it was moved by Councilor Littman, seconded by Councilor Long to appoint Amy Barclay de Tolly to the Conservation Commission, term ending 12/31/2004. So unanimously voted.

It was moved by Council President Settipane, seconded by Councilor Willis to appoint Patrick Bolger to the Conservation Commission, term ending 12/31/2005. It was voted, Councilor Littman, nay; Councilor Long, nay; Councilor Willis, aye; Councilor Swain, aye; Council President Settipane, aye. The motion passed with three in favor and two opposed.

It was moved by Councilor Long, seconded by Councilor Littman to appoint Susan Vetromile for a term ending 12/31/2005. It was voted Councilor Littman, nay; Council President Settipane, nay; Councilor Willis, aye; Councilor Swain, aye; Councilor Long, aye. The motion passed with three in favor and two opposed.

- 3) Fire Department Compensation Committee
 - a) Letter from Deputy Fire Chief re: Fire Department member appointment

It was moved by Council President Settipane, seconded by Councilor Willis to accept the letter from the Deputy Fire Chief. So unanimously voted.

- b) Jamestown Code of Ordinance, Sec. 7-44. Administration re: appointment to the Fire Compensation Committee

It was moved by Council President Settipane, seconded by Councilor Willis to accept information regarding Section 7-44. So unanimously voted.

- 4) Board of Canvassers
 - a) One vacancy exists term ending 03/31/2009; if favorable request advertising
 - b) Letter from Chair re: reappointment of Dolores Christman

It was moved by Council President Settipane, seconded by Councilor Long to accept the letter from the Chair of the Board of Canvassers. So unanimously voted.

- c) Memorandum from Town Clerk re: procedure for appointment

It was moved by Council President Settipane, seconded by Councilor Willis to instruct the Town Clerk to review provisions RIGL 17-8-1 and to proceed in an orderly fashion to comply. So unanimously voted.

- 5) Zoning Board of Review
 - a) One vacancy exists, term ending 12/31/2003; if favorable appoint:
 - i) Richard Boren (Alternate #1)
 - ii) Joseph Logan (Alternate #2)
 - iii) Kathleen Managhan (Alternate #3)
 - iv) David P. Nardolillo; interviewed 01/09/2003
 - v) Stephen Page; interviewed 02/24/2003
 - vi) Philip Larson; interviewed 02/17/2003
 - vii) Kenneth C. Newman; interviewed 02/24/2003
 - viii) Abigail Campbell-King; interviewed 02/24/2003

Following a review of the candidates, it was moved by Councilor Swain, seconded by Councilor Long to appoint Richard Boren to a full position, term ending 12/31/2003. So unanimously voted.

It was moved by Council President Settupane, seconded by Councilor Long to appoint Joseph Logan as Alternate #1 and to appoint Kathleen Managhan as Alternate #2. So unanimously voted.

It was moved by Councilor Willis, seconded by Councilor Swain to appoint David P. Nardolillo as Alternate #3 for a term ending 12/31/2003. So unanimously voted.

- 6) Harbor Management Commission
 - a) Letter re: Harbormaster's boat location

It was moved by Councilor Swain, seconded by Council President Settupane to accept to communication regarding the Harbormaster's boat location. So unanimously voted.

- 7) Letter from Town Solicitor re: review of lease between the town and the Fort Wetherill Boat Owners' & Operators' Association

Council President Settupane noted that there is a need to obtain a location for the Harbormaster's boat. The Harbor Management Commission has recommended that the boat be located in East Ferry on a proposed municipal float in the area of the old ferry landing. The Council is questioning cost comparisons with alternatives; one being locating the boat at Fort Wetherill. Also questions relating to the lease between the town and the Fort Wetherill Boat Owners' & Operators' Association.

The Town Solicitor reviewed his letter to the Council stating that Coastal Resources Management Council has approved a marina for 44 slips at Fort Cove. The Town's lease with the Association addresses 42 boat slips, the 2 others are for 2 riparian owners in Fort Cove. The lease provides that the docks, ramps and piling at the marina are the Association's property. It was also noted by the Town Solicitor that the only reference to town boats in the lease is in Section 2(e) which states that in the event of severe inclement weather, the lessee agrees to allow the Town to seek safe harbor for two (2) town boats during the duration of any storm, at that time, it would be necessary for the tenant to relocate two (2) boats.

David Pritchard, Harbor Chair stated that the Harbormaster's boat has been located at East Ferry in the past; however, this last year that option was not available and the Harbormaster had to jockey around trying to find a location. The agreement that Mr. Munger had with the Harbor Management Commission to locate the Harbormaster's boat at East Ferry was forwarded to the Town Solicitor and not returned. The Harbor Management Commission has now been told that the usual East Ferry location is not available; however, the location at the woodpile pier may be available. This is not appropriate as there is no access point for that location.

Council President Settipane inquired what the costs would be for renting a spot for the Harbormaster's boat over a ten-year period. There was continued discussion on the cost comparisons between the leasing of space versus the construction and maintenance of a new dock at East Ferry and the possibility of an agreement with Conanicut Marine Service.

There was some discussion on the duties of the Harbormaster. Council President Settipane noted that under Rhode Island General Law 46-4-6.9, the Harbormaster has a duty to manage the health, safety and welfare of the waterfront.

It was the consensus of the Council that this discussion be continued to the next Council meeting on March 10, 2003.

Richard Anderson, West Reach Drive suggested that a Master Plan be considered for the East Ferry. Additionally, Mr. Anderson mentioned that Mackerel Cove, Potters Cove and the Shores Beach are areas that need attention.

- 8) Tree Preservation and Protection Committee
 - a) Reappointment of Tree Warden pursuant to RIGL: 2-14-2
Appointment of Tree Warden

It was moved by Councilor Willis, seconded by Councilor Long to reappoint David Nickerson as the Tree Warden, pursuant to RIGL 2-14-2. So unanimously voted.

UNFINISHED BUSINESS

- 1) Landfill site remediation (continued from 01/27/2003)

Council President Settipane stated that GZA GeoEnvironmental made three recommendations, with number three being the most favored by GZA.

It was moved by Council President Settipane, seconded by Councilor Swain to direct the Town Administrator to advise RIDEM and GZA accordingly and proceed with option number three as outlined in the Site Investigation Report and to forward that expeditiously with a copy provided to the Council at their next meeting on March 10, 2003. So unanimously voted.

- 2) Personnel Board
 - a) Charge of Board (continued from 01/27/2003)

The Town Clerk reported that she met with the Personnel Board to discuss a procedure to be used in order to have the Personnel Board assist with the recruitment and appointment of committee members. The Clerk will continue to update the Council on this process.

It was the consensus of the Council to continue this to the March 10, 2003 meeting so the Council can look at the charge to the Personnel Board.

- 3) Harbor Management Commission (continued from 02/06/2003)
 - a) 2003/2004 Marine Development Fund Budget, for approval
 - b) 5-year Long Range Infrastructure/Harbor Plan

This was taken as the first item under Unfinished Business.

Councilor Willis inquired why retained earnings were listed as \$0.00. The Town Administrator informed the Council that she met with members of the Harbor Management Commission regarding their budget. The Town Administrator noted that under retained earnings, \$40,000.00 was allocated to the new boat that was purchased this year; \$7,500.00 was allocated to harbor boat capitalization; \$7,500.00 from the last fiscal year; an unanticipated expenditure relating to West Ferry Wharf repairs in the amount of \$9,400.00. Additionally, there was discussion on what retained earnings are allocated to infrastructure. Presently, it was noted, the Town is working on one budget for Harbor; however, under the new ordinance, there would be a Harbor Management budget and an infrastructure budget.

The Town Administrator pointed out that there is an item in the budget in the amount of \$4,976.15 that must be allocated to a specific line item. The Town Administrator recommended allocating the \$4,976.15 to the contingency fund.

Patrick Bolger, former Harbor Chairman, cautioned the Council that in order to balance the budget it will be necessary to decide where the funds carried forward on the Harbor side of the budget \$35,000.00 and \$70,000.00 on the infrastructure side. These are retained earnings and the reason that it does not show up in the budget is because those projects were not completed.

The Town Administrator suggested that she put the budget on a spread sheet so that the Council can view the entire budget.

It was moved by Council President Settupane, seconded by Councilor Littman to charge the Town Administrator to work with the Harbor Management Commission to present a balanced budget for consideration for approval at the next Council meeting on March 10, 2003. So unanimously voted.

At 11:00 PM, it was moved by Council President Settipane, seconded by Councilor Willis to extend the Town Council meeting for another thirty minutes. So unanimously voted.

- 4) Neighborhood Advisory Committee (cont. from 12/16/2002)
 - a) Charge of Committee
 - c) Membership

The Council discussed the charge and composition of a Neighborhood Advisory Committee relating to the location of the Highway Facility at Taylor Point.

Neighborhood Advisory Committee:

To form a neighborhood advisory committee to consist of not more than five members, to make recommendations to the Town Council relating to the location of the Highway Facility at Taylor Point, concerning the design, traffic, lighting and operational aspects and their impact on the local neighborhood.

It was moved by Council President Settipane, seconded by Councilor Swain to accept the charge and composition of the Neighborhood Advisory Committee as presented. So unanimously voted.

- 5) Ft. Wetherill Committee (cont. from 02/10/2003)
 - a) Memorandum from the Town Clerk

It was moved by Councilor Willis, seconded by Councilor Swain to accept the memorandum from the Town Clerk. So unanimously voted.

- 6) Proposed Ordinance regulating Alcoholic Beverage Licenses (draft)

It was the consensus of the Council to schedule another work shop on the proposed ordinance regulating alcoholic beverage licenses.

COMMUNICATIONS

- 1) Letter to the Town Council from the Mayor of Newport requesting participation in the 47th annual St. Patrick's Day Parade (RSVP regrets)

It was moved by Councilor Swain, seconded by Councilor Long to accept the communication from the Mayor of Newport. So unanimously voted.

NEW BUSINESS

- 1) Sunday Sales Licenses - renewals
 - a) Baker's Pharmacy
 - b) Bay Voyage
 - c) Chopmist Charlies

- d) Conanicut Store
- e) Conanicut Yacht Club
- f) Deb's Beads
- g) Dutch Harbor Boatyard
- h) East Ferry Deli & Market
- i) Jamestown Boatyard
- j) Jamestown Designs
- k) Jamestown Golf & Country Club aka: Caddy Shack
- l) Jamestown Oyster Bar
- m) Jamestown True Value Hardware
- n) Jamestown Xtra Mart
- o) McQuade's Supermarket
- p) McQuade's Laundromat
- q) Narragansett Café
- r) North End Antique & Bargain Center
- s) Secret Garden
- t) Slice of Heaven
- u) Theatre Family Restaurant
- v) Trattoria Simpatico
- w)
- x) Video Showcase
- y) Village Hearth
- z) Zeek's Bait & Tackle

It was reported by the Town Clerk that some of the licenses renewals are being routed for Department Head signatures.

It was moved by Council President Settupane, seconded by Councilor Long to approve of the renewal of Sunday Sales Licenses (a) through (z) with the exception of (w), subject to the resolution of all debts, taxes and appropriate signatures, especially including the signature of the Fire Marshal. So unanimously voted.

- w) Tricia's Tropigrille

The Town Solicitor reported that Tricia's Tropigrille should have the Zoning Board of Review's decision included on the Sunday Sales License.

It was moved by Councilor Littman, seconded by Councilor Willis to approve the renewal of the Sunday Sales License of Tricia's Tropigrille subject to their outdoor hours of operation on Sunday be from 10:00 AM to 9:00 PM except when there is a holiday on the following Monday. So unanimously voted.

- 2) Trash Collector's License – renewals
 - a) Island Rubbish

It was moved by Councilor Swain, seconded by Council President Settupane to approve the renewal of the Trash Collector's License for Island Rubbish. So unanimously voted.

- 3) Private Investigator's License - renewals
 - a) Ronald Lewis

It was moved by Council Littman, seconded by Councilor Long to approve the Private Investigator's License renewal for Ronald Lewis. So unanimously voted.

- 4) Schedule workshop for RIDOT re: Environmental Impact Study (EIS) for demolition of the old Jamestown Bridge

It was the consensus of the Council that the Town Administrator schedule a meeting regarding the Environmental Impact Study for the demolition of the old Jamestown Bridge.

- 5) Auto claim from Barbara & James Ingari

It was moved by Councilor Swain, seconded by Councilor Long to deny the claim and forward it to the Town Solicitor. So unanimously voted.

- 6) Legislation submitted by Representative Long and Senator Paiva-Weed re: H5370/S0283 for a non-voting member to the Economic Development Corporation at Quonset/Davisville Industrial Park

The Council expressed their concern to Representative Long that Jamestown would be impacted by any decision made by the Economic Development Corporation and yet was not allowed to have a voting member.

It was moved by Councilor Swain, seconded by Councilor to support the bill for a non-voting member to the Economic Development Corporation at Quonset/Davisville Industrial Park. So unanimously voted.

- 7) Local Election, May 7 re: referendum question deadline

Councilor Swain requested that additional information be forwarded to the Council regarding the proposed Highway Facility in the event that a referendum could be put on the May 7 warrant.

EXECUTIVE SESSION

It was moved by Council President Settupane, seconded by Councilor Long at 11:35 PM to enter into executive session, pursuant to RIGL 42-45-2 (a) (5) real estate, lease negotiations and land acquisition. The vote was Councilor Willis, aye; Councilor Littman, aye; Councilor Long, aye; Councilor Swain, aye; Council President Settupane, aye. The motion passed. Councilor Swain recused himself from any discussion or vote on Conanicut Marine Services.

- 1) Pursuant to RIGL 42-45-2 (a) (5) real estate (lease negotiations)

- a) Conanicut Marine Services (continued to executive session per Town Solicitor 2/10/2003)
- 2) Pursuant to RIGL 42-45-2 (a) (5) real estate (land acquisition)
 - a) Water Resource Protection Committee – status report and discussion

Councilor Swain was not present for the remaining votes.

The Council returned from executive session at 12:00 Midnight. It was moved by Councilor Long, seconded by Councilor Littman to seal the minutes of the executive session. The vote was Councilor Willis, aye; Councilor Littman, aye; Councilor Long, aye; Council President Settipane, aye. So voted with four in favor and Councilor Swain not present for the vote.

It was moved by Council President Settipane, seconded by Councilor Long to instruct the Water Resource Protection Commission to proceed with negotiations on the properties discussed in executive session and to enter into agreements subject to the review of the Town Administrator, Town Solicitor and Town Council. So voted with four in favor and Councilor Swain not present for the vote.

It was moved by Council President Settipane, seconded by Councilor Willis to instruct the Town Solicitor and Town Administrator to provide the Council with additional documents relating to the Conanicut Marine Service lease. So voted with four in favor and Councilor Swain not present for the vote.

There being no further business before the Council, it was moved by Councilor Littman, seconded by Councilor Long to adjourn at 12:02 AM. So voted, four in favor with Councilor Swain not present for the vote.

Attest:

Arlene D. Kalooski
Town Clerk

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