

TOWN COUNCIL MEETING
January 23, 2006

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 David J. Long. The following members were present:

Julio J. DiGiando, Vice President
William A. Kelly
Barbara A. Szepatowski
Michael Schnack

also present:

Bruce R. Keiser Town Administrator
Arlene D. Petit, Town Clerk
Carolyn Mannis, Assistant Town Solicitor
Lisa Bryer, Town Planner

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Representative Bruce Long requested that he be allowed to present a proclamation to the Town Clerk and the staff at the Town Hall for the honor given to them by the Rhode Island Professional Land Surveyors. Upon permission of the Council, Representative Long presented a Citation from the Rhode Island House of Representatives.

1) Proclamation 06-002 honoring Chief Thomas P. Tighe
On behalf of the Town Council, Council President Long presented a proclamation adopted by the Council honoring Thomas P. Tighe for his guidance and professional leadership as Interim Town Administrator.

Representative Bruce Long presented a citation honoring Chief Thomas P. Tighe.

2) Oath of Office to Bruce R. Keiser, Town Administrator
Council President Long administered the oath of office of Town Administrator to Bruce R. Keiser.

Representative Bruce Long presented a citation welcoming the new Town Administrator.

Council President Long requested that the Council call a recess for 20 minutes to meet and welcome the new Town Administrator.

COUNCIL SITTING AS ALCOHOLIC LICENSING BOARD

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

None

CONSENT AGENDA

An item on the Consent Agenda need not be removed for simple clarification or correction of typographical errors. Approval of the Consent Agenda shall be equivalent to approval of each item as if it had been acted upon separately.

Councilor Schnack requested that item #1 (a) be amended. It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the Consent Agenda as amended. So unanimously voted.

- 1)
 - a)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Board of Canvassers (April 19, 2005, December 20, 2005)
 - b) Jamestown Conservation Commission (October 11, 2005, November 8, 2005)
 - c) Library Board of Trustees (December 6, 2005)
 - d) Wildlife Committee (January 5, 2006)
 - e) Jamestown Harbor Management Commission (December 14, 2005)
 - f) Jamestown Harbor Management Commission - Mooring Implementation Committee (June 6, 2005)
- 4) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Town of Glocester re: Resolution supporting U.S. Senate Bill 1479 and House Bill 3427 concerning Lyme disease
- 5) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) January 9, 2006 regular meeting

Councilor Schnack requested the minutes be amended to show that the proclamation honoring the Town Clerk be signed by the Interim Town Administrator, Chief Thomas P. Tighe.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the January 9, 2006 Council minutes as amended. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator report – verbal

The Town Administrator reported on the following issues:

National Grid

The National Grid offers a rebate program for municipalities using conservation measures involving the high load curtailment at water and wastewater plants and pump stations. This would require that the Town participate in a high load curtailment program by going off-line at those times and supplementing the supply by generator use. In addition, the Town would observe conservation measures which would include an audit of all Town facilities. The Town Administrator reported that he will provide additional information at the end of the month.

Narragansett Avenue

The Town Administrator reported that he will be meeting with Robert Smith, Managing Director at RIDOT in order to coordinate the funding and construction of the Phase II Streetscapes project.

Boat Discharge

The Town Administrator reported that recent State legislation requires that the Harbormaster perform boat checks and dye flush tests on boats moored in their jurisdictions to issue "no discharge certificate decals". Mr. Keiser noted that this is an unfunded mandate and suggested that the Jamestown legislatures be asked to act to postpone this initiative.

School Budget

The Town Administrator informed the Council that he would be meeting with the Superintendent of Schools regarding the 2006-2007 budget. Councilor DiGiando stated that there is a March 1st mandate to notify teachers regarding their employment status.

- 2) Town Clerk
 - a) Notice of work shop on February 1, 2006 re: remedial action work plan and 50% design drawings for the closure of the former Jamestown Landfill

No action taken.

PUBLIC HEARING

- 1) A Proposed ordinance amending Chapter 22 of the Code of Ordinance relating to Noise

Council President Long opened the public hearing at 7:40 PM on the proposed ordinance amending Chapter 22 of the Jamestown Code of Ordinance relating to Noise. Council President Long requested public comment.

Christopher Powell, Mount Hope Avenue, stated that he supports the proposed ordinance and encouraged the Council to adopt the ordinance so the Police Department has something that they can enforce.

Rosemary Woodside, Skysail Court inquired what the decibel level is for a lawnmower, leafblower. In addition, Ms. Woodside asked that the ordinance clearly state the time periods and duration for noises such as the fire horn.

Emmet Turley, Seaside Drive, informed the Council that he lives on the shoreline and hears the machine grinding done at Quonset. Mr. Turley was in favor of the proposed ordinance.

Ellen Winsor, East Shore Road stated that she is in favor of the ordinance, but would like to have time periods added.

Steve Mecca, Greene Lane read a prepared statement. Mr. Mecca stated that the noise ordinance as proposed was not sufficient; further stating, as presented it legalizes egregious noise levels.

There being no further public comment, it was moved by Council President Long, seconded by Councilor Kelly to close the public portion of the hearing. So unanimously voted.

Councilor Szepatowski stated that she was concerned with the necessary noise levels of conducting some businesses. In particular, Councilor Szepatowski stated that a business like Island Rubbish could be issued violations for the noise associated with the collection of trash and recycling.

The Town Solicitor noted that the Town could not regulate the ordinance based upon the conduct of business. However, if the Council finds that the ordinance is too difficult to enforce, they could suspend or repeal it.

Council President Long stated that if the ordinance was used as a tool against the normal conduct of business, the Council would revisit it.

Councilor Schnack expressed concern with the Town's liability in the wrongful enforcement of the proposed ordinance.

The Town Solicitor answered that if the ordinance was found to be unconstitutional, the Town would pay for litigation.

Councilor Kelly stated that he was also concerned with the possibility of recycling noise complaints. Island Rubbish, specifically, has made every effort to mitigate disturbance to the community.

Councilor DiGiando stated that the Council is attempting to act appropriately to concerns of the public relating to loud noise. However, recycling is planned so that it does not interfere with the school schedule, as well as meeting the requirements of the recycling plant.

Council President Long remarked that he was strongly considering the recommendations made by Chief Tighe and Lieutenant Donovan to adopt an enforceable noise ordinance.

There being no further comment the hearing was closed at 8:00 PM.

It was moved by Councilor DiGiando, seconded by Council President Long to adopt the proposed ordinance amending section 22-61 through 22-68, entitled "Article III, Noise". It was voted Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, nay; Councilor Szepatowski, nay; Council President Long, aye. The motion passed with three in favor and two opposed.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) CRMC Public Notice re: Carl Schweinshaut, 400 East Shore Road (application for an assent to construct and maintain a residential boating facility to consist of a 4' x 198' fixed timber pier with a fixed access platform; terminus of the pier will extend to 133' beyond mean low water requiring an 83' length variance)

It was moved by Councilor DiGiando, seconded by Council President Long to accept the CRMC notice regarding Carl Schweinshaut. So unanimously voted.

- 2) Jamestown Harbor Management Commission re: letter of notification to Carl Schweinshaut

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Jamestown Harbor Commission. So unanimously voted.

- 3) Copy of letter to the Jamestown School Committee from Karen Rafanelli re: School Committee budget meetings

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the copy of letter from Karen Rafanelli. So unanimously voted.

- 4) Copies of correspondence from Patience Cary re: ISDS variance application #9615-3136

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the correspondence from Patience Cary. So unanimously voted.

It was the consensus of the Council that a letter of concern is forwarded to RIDEM regarding the cumulative effect of issuing variances in the Jamestown Shores area.

LICENSES & PERMITS

All approvals for licenses and permits are subject to the resolution of debts, taxes and appropriate signatures as well as, when applicable, proof of insurance.

None

OPEN FORUM

- 1) Scheduled request to address

a) Representative Bruce Long re: legislative update
Representative Long gave a report on the accelerated permitting process at RIDEM and his efforts to assist in the Council's concerns regarding the cumulative impact in the Jamestown Shores by the issuance of ISDS variances.

2) Non-scheduled request to address
Charlotte Zarlengo, Seaside Drive, gave a prepared statement to the Council regarding the Thurston property located on Seaside Drive.

Michael de Angeli, Jamestown Harbor Commission representative informed the Council that the Harbormaster is not equipped to inspect the 1,000 or more boats for discharge prior to issuing mooring permits. These inspections should be handled by the Coast Guard and suggested that the Council request that the Jamestown Representatives seek to delay or repeal the legislation. Mr. de Angeli asked that this item be put on the next Council agenda for discussion.

APPOINTMENTS AND RESIGNATIONS

- 1) Tree Preservation and Protection Committee (One (1) vacancy – term ending December 31, 2008; duly advertised and interviews complete; if favorable, appoint)
 - a) Letter of recommendation
 - i) Frank Andres
 - b) Request for reappointment
 - i) Emmet Turley
 - c) Letter of interest
 - i) Walter G. Boll

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to reappoint Emmet Turley to the Tree Preservation and Protection Committee, term ending December 31, 2008. So unanimously voted.

- 2) Zoning Board of Review (Five (5) vacancies as follows: Two (2) regular members, terms ending December 31, 2010; Three (3) alternate members (1st, 2nd, and 3rd) – terms ending December 31, 2006); duly advertised and interviews complete; if favorable, appoint
 - a) Letter of resignation
 - i) Elizabeth Brazil (2nd alternate)
 - b) Letter of recommendation
 - i) Thomas Ginnerty, Chair
 - c) Request for reappointment (regular members)
 - i) Joseph Logan
 - ii) Don Wineberg
 - d) Request for reappointment (alternate members)
 - i) David P. Nardolillo (currently 1st alternate)
 - ii) Dean Wagner (currently 3rd alternate)
 - e) Letter of interest
 - i) Richard G. Cribb

It was moved by Councilor DiGiando, seconded by Councilor Kelly to make the following appointments to the Zoning Board of Review:

- Reappoint Joseph Logan, term ending December 31, 2010
- Reappoint Don Wineberg, term ending December 31, 2010; and to Reappoint David P. Nardolillo as 1st alternate, term ending December 31, 2006
- Reappoint Dean Wagner as 2nd alternate (moved up from 3rd), term ending December 31, 2006
- Appoint Richard G. Cribb as 3rd alternate, term ending December 31, 2006.

So unanimously voted.

- 3) Harbor Management Commission (Three (3) vacancies as follows: (1) Non-Riparian Recreational Boating Community; (1) Commercial Fishing Industry; (1) Commercial Mooring Industry; duly advertised and interviews complete; if favorable, appoint)
 - a) Letters of recommendation
 - i) James T. Archibald
 - b) Non-Riparian Recreational Boating Community
 - i) Request for reappointment
 - Michael de Angeli
 - c) Commercial Fishing Industry
 - i) Request for reappointment
 - Gregory Murphy
 - d) Commercial Mooring Industry (no reappointment requests)
 - e) Letters of Interest
 - i) Barbara S. G. Paterson
 - ii) Andrew Kallfelz
 - iii) John J. Kalooski
 - iv) James Plaziak

It was moved by Councilor DiGiando, seconded by Councilor Kelly make the appointments to the Jamestown Harbor Management Commission as follows:

- Reappoint Michael de Angeli as the Non-Riparian Recreational Boating Community representative, term ending December 31, 2008
- Reappoint Gregory Murphy as the Commercial Fishing Industry representative, term ending December 31, 2008
- Appoint Andrew Kallfelz as the Commercial Mooring Industry representative.

So unanimously voted.

UNFINISHED BUSINESS

- 1) Wildlife Committee re: progress report and recommendations to Council (continued from January 9, 2006 meeting)

Christopher Savastano addressed the report submitted by the Wildlife Committee. Mr. Savastano stated that after conducting extensive research and examination of documented studies, the Wildlife Committee has proposed a comprehensive approach to regulating the deer population, educating the public on methods to reduce the risk of contracting Lyme disease, and protecting valuable landscaping from destruction. One of the recommendations discussed was the possibility of amending Section 38-111 of the Code of Ordinance. It was suggested that this ordinance be amended to allow the use of a rifled firearm for hunting.

It was the consensus of the Council to instruct the Town Administrator and Town Solicitor to review the information and recommendations from the Wildlife Committee and report to the Council at the February 13, 2006 Council meeting those recommendations that can be achieved.

NEW BUSINESS

- 1) Beavertail Lighthouse (museum building) re: necessary repairs
 - a) Report from Building Official

The Town Administrator reported that there are funds available in the emergency and incidentals account to cover the cost of the necessary repairs at the Beavertail Lighthouse.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to instruct the Town Administrator to follow up with the recommendations of the Building Official for repairs to the Beavertail lighthouse museum building. So unanimously voted.

- 2) Conanicut Battery Agreement re: review of agreement; if favorable, Council authorization for Town Administrator to accept terms and conditions

Harrison Wright, representing the Jamestown Historical Society, requested the agreement be brought up-to-date with current Jamestown Historical Society information.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to instruct the Town Administrator to make the necessary changes in language prior to signing the document. So unanimously voted.

- 3) RIDEM Recreational Development Grant Application re Lawn Avenue ballfield; if favorable, endorsement by Town Council

The Town Planner requested the endorsement of the Council for a grant application to the Rhode Island Department of Environmental Management requesting \$10,000.00 for field and facility improvements. Ms. Bryer informed the Council that there is a 50% match requirement that could be funded by fundraising efforts and in-kind efforts of the Jamestown Baseball Association and the Jamestown Recreation Department.

There was Council discussion on the need for the baseball fields to be properly maintained. In addition, the Council discussed the need for the Town to take the responsibility for the maintenance of the ball fields. The Town Administrator informed

the Council that there is a reserve fund balance that could be used toward the matching funds.

It was moved by Councilor Kelly, seconded by Councilor Schnack to endorse the request of the Town Planner and to direct her to proceed with the Recreational Development Grant Application for funding to be used for the maintenance and facility improvements at the Lawn Avenue ball field. So unanimously voted.

- 4) February 1, 2006 work shop re: 50% Landfill Closure Report
 - a) Discussion and if necessary action
- No action taken.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Council President Long to adjourn the meeting at 8:40 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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