

TOWN COUNCIL MEETING
October 10, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:00 PM by Council President David J. Long. The following members were present:

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

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Steven J. Goslee, Public Works Director
Lieutenant William Donovan

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Michael Mesolessa, Recycling Coordinator for Rhode Island Resource and Recovery Corporation re: recycling goals for the Town of Jamestown (per Councilor Kelly)

Michael Mesolessa, representing the Rhode Island Resource Recovery Corporation, presented a plaque honoring the Town of Jamestown for achieving their maximum mandatory recycling rate. Mr. Mesolessa recognized the efforts of the residents of the Town of Jamestown, the Public Works Department and the Jamestown Town Council in reaching the recycling goals for the Town of Jamestown and encouraged everyone to continue those efforts.

Councilor Kelly requested that the item #1 of new business be moved up on the agenda.

New Business

- 1) Recycle Goals for Jamestown re: Council to work with Administration and Schools to meet coming recycling goals

Councilor Kelly recommended that in order for the Town of Jamestown to meet future recycling goals, the Director of Public Works and the Council work with Mr. Mesolessa to educate the community on ways in which improvements can be made to the recycling program.

COUNCIL SITTING AS ALCOHOLIC BEVERAGE 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.

- 1) **Motion** to set Alcoholic Beverage License limits for 2006-2007

It was moved by Council President Long, seconded by Councilor DiGiando to adopt the alcoholic beverage license limits for 2006-2007 as presented. So unanimously voted.

The Alcoholic Beverage License Limits for 2006-2007 as set by the Jamestown Town Council are as follows:

License Class	Limit
Class A	2
Class BV	8
Class BT	1
Class D	1

- 2) 2006-2007 Alcoholic Beverage License establishments list with additional licenses held

No action taken.

- 3) Request to advertise in the Jamestown Press in the October 19th & 26th editions for a public hearing on November 13, 2006:
 - a) NOTICE is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following RENEWAL applications have been received by the Town Council for licenses under said Act, for the year December 1, 2006 to November 30, 2007:

It was moved by Councilor DiGiando, seconded by Councilor Kelly to advertise the Alcoholic Beverage License renewal applications, as presented on the agenda, in the Jamestown Press in the October 19th and 26th editions for a public hearing to be held on November 13, 2006. So unanimously voted.

RENEWAL:

CLASS A (PACKAGE STORE) - RETAIL

Grapes & Gourmets, Inc.
dba: Grapes & Gourmets
9 Ferry Wharf

Varsha, Inc.
dba: Jamestown Wine & Spirits
30 Southwest Avenue

CLASS B – TAVERN

Long Wharf Marina Restaurant, Inc.
dba: The Bay Voyage
150 Conanicus Avenue

CLASS B – VICTUALER

Alexander Enterprises, Inc.
dba: Narragansett Café
25 Narragansett Avenue

Islandish, Ltd.
dba: Chopmist Charlies
40 Narragansett Avenue

Jamestown Oyster Bar, Inc.
dba: Jamestown Oyster Bar
22 Narragansett Avenue

New England Golf Course Management, Inc.
dba: Jamestown Golf and Country Club
aka: the Caddy Shack
245 Conanicus Avenue (lower level rear)

Portuguese American Citizen's Club
dba: Portuguese American Citizen's Club
11 Pemberton Avenue

SeaDish, Ltd.
dba: Tricia's Tropigrille
14 Narragansett Avenue

Slice of Heaven, Inc
dba: Slice of Heaven
32 Narragansett Avenue

Trattoria Simpatico, Inc.
dba: Trattoria Simpatico
13 Narragansett Avenue

CLASS D FULL (CLUB)
Conanicut Yacht Club
40 Bay View Drive

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.

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the Consent Agenda as presented. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) September 11, 2006 (regular meeting)
 - b) September 25, 2006 (regular meeting)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Planning Commission (08/02/2006, 08/16/2006)
 - b) Zoning Board of Review (08/22/2006)

- c) Harbor Commission (08/09/2006)
- d) Substance Abuse Prevention Task Force (09/17/2006)
- e) Jamestown Housing Authority (08/02/2006, 08/16/2006)
- 4) CRMC Notices:
 - a) October 2006 Calendar
- 5) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) North Kingstown re: opposition to the expansion of gambling and the development of a casino in West Warwick or anywhere in Rhode Island
- 6) Abatements/Addenda of Taxes

EXECUTIVE SESSION ANNOUNCEMENT

1) Pursuant to RIGL 42-46-5 (a) (1) personnel
 Council President announced that there would be an executive session held later in the evening, pursuant to RIGL 42-46-5 (a) (1) personnel.

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

- 1) Town Administrator report

Town Hall Groundbreaking

The Town Administrator reported that the Town Hall groundbreaking is being planned for the week of October 23, 2006.

Fort Getty RV Storage

The Town Administrator informed the Council that all trailers and RVs have been removed from Ft. Getty. The storage of these vehicles on town-owned property will be researched for future consideration.

Beavertail Lighthouse Apartment

The Town Administrator informed the Council that the Town Solicitor has responded to a law suit filed against the Town by Mr. Shutt. Although the Town Council had allowed Mr. Shutt to remain in the Beavertail Lighthouse Apartment past the expiration date of his lease, Mr. Shutt is refusing to leave. The Town has filed for a court eviction, which will be heard on October 23. In addition, the Town Solicitor is filing a counter suit against Mr. Shutt.

Special Recognition by Audubon Society

The Town Administrator announced that the Audubon Society of Rhode Island has selected the Jamestown Department of Public Works and the Jamestown Golf Course as recipients of the 2006 Audubon Society of Rhode Island Business of the Year Award. The award is given annually to organizations whose efforts have advanced the Society's mission of environmental advocacy, conservation and education.

Water Treatment Plant Upgrade

The Town Administrator noted that Conservation Commission member Carol Trocki is working to develop a wetlands mitigation plan for the Round Marsh. If accepted by the Jamestown Town Council, funding for wetlands mitigation at the Round Marsh will be in the 2007/2008 Capital budget. It is expected that there will be some funding through the Coastal Resources Management Council and Natural Resource Conservation Service.

- 2) Water Resource Protection Committee re: support of proposed study of groundwater levels in critical areas

The Town Administrator informed the Council that the Town is moving forward with the monitoring of ground water levels.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the communication from the Water Resource Protection Committee. So unanimously voted.

Councilor DiGiando questioned a section of the communication that suggested the work would be more valuable if the RIDEM agreed that there would be some ground water level which forecloses ISDS permits. The Town Administrator indicated that one of the components of the University of Rhode Island's research is that the seasonal water measurements that are standard in the ISDS regulations are not a true reading of what the actual groundwater levels are throughout the course of the year due to fluctuations. Once the baseline is established by using the newest technology and the coordinating efforts through the University of Rhode Island, RIDEM and the Town of Jamestown, it is believed that the cumulative impact will be considered when the State issues ISDS permits for critical areas in Jamestown.

- 3) Town Clerk: Copy of Warrant for November 7, 2006 General Election

The Town Clerk presented the corrective warrant for the November 7, 2006 General Election. It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the warrant as presented. So unanimously voted.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Proposed Resolution relating to an amendment to the Rhode Island Constitution allowing a resort casino in West Warwick

The Council discussed if there was a need for the proposed resolution, as the specifics appear on the November 7, 2006 general election ballot as an amendment of the Constitution of the State. Council members individually expressed their opinions and concerns prior to a formal vote. Craig Amerigian, as presenter of the proposed resolution spoke to the Council requesting the Council's endorsement.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept and adopt the proposed resolution in opposition to an amendment to the Rhode Island State Constitution allowing a resort casino in West Warwick as presented. It was voted,

Councilor DiGiando, nay; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, nay; Council President Long, nay. The motion failed with two in favor and three opposed.

COMMUNICATIONS AND PETITIONS

- 1) Letter from Daniel J. Alexander in support of establishing a Teen Center at 23 Narragansett Avenue

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter from Daniel J. Alexander. So unanimously voted.

- 2) Letter from Michael Lapisky, Acting Chief, Rhode Island Fish and Wildlife re: National Park Service's approval of the controlled deer hunt on Beavertail State Park

It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the letter from Michael Lapisky, Acting Chief of Rhode Island Fish and Wildlife. So unanimously voted.

It was the consensus of the Council to invite Lori Gibson and Lt. William Donovan to the October 23, 2006 Council meeting to answer questions and review policies and procedures for conducting a controlled deer hunt on Beavertail State Park.

- 3) Letter from Joan McCauley re: Parks and Recreation Director, Matt Bolles

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter from Joan McCauley. So unanimously voted.

- 4) Copy of letter to the Honorable Jack Reed, United States Senator from W. Michael Sullivan, Director RIDEM re: Jamestown Landfill 50% Design and related concerns expressed by Ms. Donna O'Neill

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter from W. Michael Sullivan, director of RIDEM. So unanimously voted.

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.

- 1) Request to advertise for extended hours [according to RIGL 5-24-1 (a) & (b)] in the Jamestown Press in the October 19th, 26th & November 2nd editions for a public hearing on November 13, 2006:
 - a) NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on the 13th of November 2006 at 7:00 p.m. at the Jamestown Philomenian Library Conference Room, 26 North Road, Jamestown, RI pursuant to 5-24-1 of the General Laws of Rhode Island, 1956, and as amended, upon the following applications:

RENEWALS:

Kenyon Oil Company, Inc.
dba: Jamestown Xtra Mart

35 Narragansett Avenue
Plat 9 Lot 246

Cumberland Farms, Inc.
dba: Cumberland Farms Store #1108
41 North Main Road
Plat 8 Lot 626

APPLICATION OF KENYON OIL COMPANY, INC. dba: **Jamestown Xtra Mart**, for renewal of additional **operational hours between 2:00 a.m. and 6:00 a.m.** for the said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open 24 hours per day.

APPLICATION OF CUMBERLAND FARMS, INC., dba: **Cumberland Farms Store #1108**, for renewal of additional **operational hours between 5:00 a.m. and 6:00 a.m.** for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open from 5:00 a.m. to 2:00 a.m. daily (*RIGL 5-24-1 allows this establishment to be open until 2:00 a.m.*).

It was moved by Councilor Schnack, seconded by Councilor Kelly to order the Town Clerk to advertise for a public hearing for extended hours for Kenyon Oil Company, Inc., dba Jamestown Xtra Mart for the renewal of additional operational hours between 2:00 a.m. and 5:00 a.m. and to advertise for a public hearing for renewal of additional operational hours for Cumberland Farms, Inc., dba Cumberland Farms Store #1108 for renewal of additional operational hours between 5:00 a.m. and 6:00 a.m. So unanimously voted.

2) Exhibition/Event License with Vendors Application

a) Jamestown Jack O'Lantern Jog

Date: October 29, 2006

Time: 11:00 AM-2:30 PM

Place: Jamestown Community Center (see map for race route)

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the Exhibition/Event License with Vendors for the Jack O'Lantern Jog to be held on October 29, 2006 at 11:00 a.m. to 2:30 p.m. So unanimously voted.

OPEN FORUM

1) Scheduled request to address

2) Non-scheduled request to address

Charlotte Zarlengo, Seaside Drive, asked for an update on the redemption process for lands taken by the Town for tax default. The Town Administrator stated that the review of individual lots is moving forward through legal services. The Town Administrator further stated that he would prepare a status update on the progress.

Deborah Slattery, Southwest Avenue, strongly opposed deer hunting on Beavertail.

Frank Meyers, Southwest Avenue, asked if it would be necessary to get permission from the National Parks Service on a yearly basis to change the classification from a passive recreational use to a nonpassive recreational use at Beavertail. In addition, Mr. Myers stated that RIDEM park regulations require the consent of the Town Council for any event that takes place at the Beavertail State Park.

Nancy Crawford, Mast Street, stated that hunting on Beavertail is a safety issue because the RIDEM will not be providing any enforcement. The Town Council has the ability to stop the deer hunt at Beavertail. Ms. Crawford also noted that the deer problem stems from the number of deer in the north end of the island not at Beavertail.

Raymond Iannetta, North Main Road, encouraged the Council to take action to reduce the number of deer. Mr. Iannetta also asked the Council to consider closing the former landfill through the use of the most recent regulations.

Sav Rebecchi, Sail Street, questioned if it was proper for the Council to attend an off-island work session with department heads when the public would not be allowed to attend. In addition Mr. Rebecchi stated that the Teen Center request before the Zoning Board of Review should not have been brought by a Council person, but rather should have been brought forward by the Town Administrator or Town employee.

Council President Long responded to the work session being planned for department heads and Council members. President Long noted that there would be no Council decisions at this work session. Any issues that would require discussion or action would be brought before the Council in an open session.

The Town Solicitor expressed some concerns relating to the Council meeting with the department heads in a closed work session.

President Long asked for a determination to be made by the Attorney General's office as to whether the Council could attend and participate in a retreat with department heads using a facilitator at an off-island location.

APPOINTMENTS AND RESIGNATIONS

- 1) Resignation
 - a) Jamestown Tree Preservation and Protection Committee
 - i) Robert Dolan

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter of resignation from Robert Dolan. So unanimously voted.

It was the consensus of the Council to request a list of recent applicants from the Town Clerk for Council's consideration of appointment.

UNFINISHED BUSINESS

- 1) Fort Getty RV Storage

- a) Report from Town Administrator re: additional information from the InterLocal Trust and the Town Solicitor (continued from 9/25/2006)

Previously discussed.

- 2) Teen Center (23 Narragansett Avenue) re: additional information from the Town Administrator (continued from 9/25/2006)
 - a) Recommendation to withdraw petition to Zoning Board of Review (per Town Administrator)

The Town Administrator noted that there was a work session held several weeks ago by the Conanicut Coalition to develop a strategic plan for the Teen program. The facilities component of the discussion was to set a framework for reviewing what the needs are for the Teen Center. The Town Administrator recommended withdrawing the petition for the special use permit for 23 Narragansett Avenue.

It was moved by Councilor Schnack, seconded by Councilor Kelly to formally withdraw the application to the Zoning Board of Review for a special use permit for 23 Narragansett Avenue to allow for the second floor to be used as a Teen Center.

So unanimously voted.

- 3) Recreation Commission
 - a) Charge of commission as discussed on September 25, 2006 (for Council approval)

Following a review of the charge for the Recreation Commission, it was the consensus of the Council that the Town Administrator make changes to the proposed charge lessening the authority of the commission and bring it back to the Council for further review.

NEW BUSINESS

- 1) Recycle Goals for Jamestown re: Council to work with Administration and Schools to meet coming recycling goals (per Councilor Kelly)

Previously discussed

- 2) Award of Contract to Ronald F. DiMauro Architects, Inc. for architectural design review of commercial district applications for the amount of 60 free hours per year and a reduced hourly rate of \$85.00 - \$95.00 for subsequent billing

The Council discussed using this service on an as-needed basis for architectural assistance in design review of commercial district applications. There was some concern expressed because there was no cap on the funding for this service. The Town Administrator informed the Council that the cost for this service on projects other than Town property or Town enhancement projects would be paid by the applicant. Any cost to the Town would be taken from the Incidentals and Emergency account and brought before the Council for approval.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to award the services for architectural design review to Ronald F. DiMauro Architects, Inc. for the amount of 60 free hours per year and a reduced hourly rate of \$85.00 - \$95.00 for subsequent billing. So unanimously voted.

- 3) Award of Bids
 - a) Colony Ford Truck Center for the purchase of a four wheel drive utility truck for an amount not to exceed \$65,291.00

Councilor Kelly noted that the bid is for the truck chassis which will be sent out to have the utility body retrofitted.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to award the bid for the purchase of a four wheel drive utility truck to Colony ford Truck Center for an amount not to exceed \$65,291.00. So unanimously voted.

- b) Thielsh Engineering for the “add alternate” to the original bid for the Golf Course effluent filter for an amount not to exceed \$303,750.00 (funding is through the Golf Course account)

The Town Administrator informed the Council that the effluent filter was an add alternate to the Wastewater Treatment Plant repairs. The cost for this item will be funded entirely through the Golf Course reserve fund. Mr. Mistowski, the current lessee of the Golf Course, understands and is in agreement that this is a critical component of maintaining the irrigation system. The Town Administrator noted that it is his intent to charge back 50% of the cost to the golf course to be recovered through a portion of their annual lease and 50% from Town funds because the effluent will be used for the irrigation of the baseball fields.

Councilor Kelly asked that the Town Administrator review the Golf Course reserve fund and make a recommendation to the Council as to what an appropriate reserve fund balance would be.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the add alternate to the original bid by Thielsh Engineering for the Golf Course effluent filter for an amount not to exceed \$303,750.00. So unanimously voted.

- 4) CRMC Notice
 - a) Application of Richard & Dawn Hines to construct and maintain a residential boating facility
Project Location: 1088 East Shore Road, Plat 1, Lot 371
 - i) Harbor Commission review of CRMC Notice of Richard and Dawn Hines

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the communication from CRMC regarding the application of Richard and Dawn Hines. So unanimously voted.

- 5) Town Planner re: request from the Boy Scouts to camp at the Conanicut Battery on the weekend of October 21 and 22, 2006

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to approve the use of the Conanicut Battery by the Boy Scouts for camping on the weekend of October 23 and 22, 2006. So unanimously voted.

- 6) Jamestown Housing Authority re: requesting the waiving of PILOT funds to offset the cost of upgrading generator and emergency lighting

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to waive the PILOT funds from the Jamestown Housing Authority in order that they may offset the costs of upgrading the generator and emergency lighting. So unanimously voted.

- 7) Farmland Acquisition Committee

The Town Administrator requested that the Council meet with the Farmland Acquisition Committee in executive session to discuss plans for the acquisition of property.

The Town Clerk was directed to schedule a meeting with the Farmland acquisition Committee.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn into executive session at 8:50 PM, pursuant to RIGL 42-46-5 (a) (1) personnel. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon return to the regular session at 9:15 PM, it was moved by Councilor Schnack, seconded by Council President Long to seal the executive session minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

There being no further business before the Council, it was moved by Councilor DiGiando, seconded by Council President Long to adjourn the meeting at 9:20 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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