

**TOWN COUNCIL MEETING
October 23, 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 Vice President Julio DiGiando. The

following members were present:

William A. Kelly

Michael Schnack

Barbara A. Szepatowski

absent: Council President David J. Long

also present:

Bruce R. Keiser, Town Administrator

Arlene D. Petit, Town Clerk

J. William W. Harsch, Town Solicitor

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Proclamation proclaiming October 29, 2006 as Robert W. Sutton Day in honor of his outstanding contributions to the promotion of agriculture and the preservation of farmlands, open space and wetlands, and in honor of his being selected as 2006 Rhode Island State Grange Agriculturist

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to adopt Resolution No. 06-015 honoring former Town Administrator Robert W. Sutton, Jr. for his outstanding contributions to the promotion of agriculture and the preservation of farmlands, open space and wetlands, and honoring him for being selected at the 2006 Rhode Island State Grange Agriculturist. So unanimously voted.

Councilor DiGiando read the proclamation and informed the audience that Mr. Sutton would be honored at a celebration at the Jamestown Grange on October 29, 2006.

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.

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.

It was requested that items numbered 2 and 6 be removed from the Consent Agenda. It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept items 2 and 6 of the Consent Agenda. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

1) Pursuant to RIGL 42-46-5 (a) (2) litigation
Councilor DiGiando announced that there would be an executive session later in the evening, pursuant to RIGL 42-46-5 (a) (2) litigation.

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

1) Town Administrator report (verbal)
a) Island Movie Productions – Contributions
The Town Administrator informed the Council that another production company has requested permission to film a production in Jamestown. PBS has requested to use Fort Getty on November 3 through November 6 to film an historical document, “The Life and Times of Benedict Arnold”. PBS (a not for profit organization) will be docking the “Providence” at Fort Getty.

In answer to Council questions regarding how other communities are compensated, Mr. Keiser suggested that the Council may want to set local standards and fees for the use of Jamestown as a production site. It was the consensus of the Council to put this on the Council agenda for further discussion of local standards and fees for productions to be held in Jamestown.

b) Beavertail Apartment
The Town Administrator noted that Mr. Shutt is suing the Town for the right to continue to live at the Beavertail apartment and has just retained legal counsel. His attorney is asking for a continuance to November 6.

The Town Solicitor noted that an action of this nature could go on for several months. Mr. Keiser has notified the Mr. and Mrs. Turillo of the situation and was informed that they are still able to rent month to month. As soon as Mr. Shutt vacates, the Turillo’s are ready to move into the Beavertail apartment.

c) Town Hall Groundbreaking
The Town Administrator informed the Council that the groundbreaking for the new Town Hall will be held on Tuesday at 10:00 AM.

d) Tax Sale Lots
The Town Administrator reported that Paul Sollitto, the Town’s title attorney, is proceeding with the right of redemption on additional properties acquired through the non payment of taxes. To date, the Town has acquired the title on 110 lots, with another three expected in the near future. Mr. Sollitto is in the process of completing an exhaustive review of West Passage Development Corporation from 1977, when the Town first

acquired all of the unsold lots owned by the Federal Building and Development Corporation (original Jamestown Shores developer).

e) Regional Police Testing

The Town Administrator explained that the Aquidneck island communities have invited Jamestown to participate in a joint testing of police candidates. This initiative would enable a candidate to take just one test rather than a test for each community for which the candidate would like to be considered for employment.

Lieutenant Donovan noted that participating in this joint testing would allow Jamestown to choose police officers from a larger group of candidates, as well as saving money by sharing the cost of advertising and reducing the staff needed to administer the tests.

Additional information provided by the Town Administrator follows:

RIDEM Grant - NOAA

The Town has received a notice from RIDEM announcing that the National Oceanic Atmospheric Administration (NOAA) will be awarding grants for the clean-up of shorelines throughout Rhode Island. The work will be done through a newly established organization named "Clean Bay", with debris disposition assistance from the local Department of Public Works. The Town Administrator noted that the 2006/2007 grant funding would go towards the northern shoreline of Jamestown, if available again for 2007/2008, the southern shoreline would be targeted.

It was the consensus of the Council to instruct the Town Administrator to forward a letter in support of the grant funding.

Wind Turbine Energy

The Town Administrator informed the Council that he has been in discussions with an independent group, consisting of Robert Bowen, Michael Swistak and Bucky Brennan, who have been researching the feasibility of wind turbine energy in Jamestown. The State is making available grant funds for communities to conduct a wind energy feasibility study. The Town Administrator recommending forming a committee to conduct a feasibility study for the Town and to submit an application for grant funds.

It was the consensus of the Council that the forming of a committee to investigate the feasibility of wind turbine energy in Jamestown be put on the November 13, 2006 Council Agenda.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Resolution re: Advances for equipment to be financed under lease; if favorable, for adoption

The Town Administrator reported that this resolution would give the authority for the Finance Director to advance funds for the acquisition of equipment as budgeted through the Financial Town Meeting on June 5, 2006.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve Resolution No. 06-014 as declaration of official intent under Treasury Regulation 1.150-2 and confirms the Town's declaration of official intent evidenced by the adoption of the budget on June 5, 2006, to reimburse the Town from lease funds and proceeds for certain capital expenditures for said equipment. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Letter from Clayton Carlisle, former tenant of the Beavertail Lighthouse caretaker's apartment

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from Clayton Carlisle. 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) Victualing License renewals:
 - a) Letters from the Town Clerk's Office to license holders re: renewal applications
 - b) Victualing License renewal applications:
 - Ace's Pizza, Inc. dba: **Ace's Pizza, Inc.**; 1 Clarke Street
 - BADA Bing, Inc. dba: **Freddie Bing's Hotdog Thing** to operate in the East Ferry area; insurance certificate submitted
 - Barbara & Michael Gallo dba: **Theatre Family Restaurant**; 34 Narragansett Avenue
 - Del's Lemonade & Refreshments, Inc. dba: **Del's of Jamestown** to operate at Fort Getty, Mackerel Cove, Head's Beach and Taylor Point; insurance certificate submitted
 - Doriana Carella dba: **Village Hearth**; 2 Watson Avenue
 - East Ferry Market, Ltd. (S-Corp) dba: **East Ferry Deli & Market**; Unit #1 & 2: 47 Conanicus Avenue
 - Jian Sheng Ni dba: **Peking Garden**; 34 Narragansett Avenue
 - Lucky Ridge Co., LLC dba: **Spinnakers Café**; 3 Ferry Wharf
 - Lucky Ridge Co., LLC dba: **Spinnaker's Mobile Unit** to operate at East Ferry, Mackerel Cove and Fort Getty; insurance certificate submitted
 - TMT, Corp. dba: **McQuade's Supermarket**; 5 Clarke Street
 - c) Multi-License renewal application
 - BADA Bing, Inc. dba: **House of Pizza**; 23 Narragansett Avenue: Victualing & Pinball/Video Game (1)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Victualing License renewals and the Multi-license renewals as presented. So unanimously voted.

2) Bingo License Renewal Application

- a) Letter from Charlotte S. Richardson re: waiver of license fee

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to approve the request for waiver of license fee from Charlotte S. Richardson. So unanimously voted.

- b) Application of the Jamestown Senior Citizens Association, Inc. to operate a bingo at 6 West Street (Senior Center) and at 45 Pemberton Avenue in the Pemberton Apartments (community room)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Bingo License renewal for the Senior Citizens Association, Inc. as presented. So unanimously voted.

OPEN FORUM

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

Nancy Crawford, Mast Street, informed the Council that CNN reported that the Beavertail Park most scenic place to picnic in the United States. Ms. Crawford stated that she was opposed to the hunt at Beavertail because it would discourage tourism. Ms. Crawford read a statement in opposition to the controlled hunt at Beavertail and questioned the reasons for a deer hunt at Beavertail when, in fact, the deer problem is much more extensive at the North end of the island.

Mary Webster, Mount Hope Avenue, informed the Council that Florence Murray will be 100 years old on Sunday and asked if the Council and the School Committee would consider sending congratulations to her.

It was the consensus of the council that the Council would prepare a Proclamation in honor of Ellizabeth Murray on her 100th birthday.

Ginny Perry, Bay View Drive, asked the following questions relating to the controlled hunt at Beavertail:

When will the park be closing?

Who will be responsible for checking for licenses?

In addition, Ms. Perry asked what would become of the curriculum that several schools have for the collection and analysis of water samples at Beavertail. Recently there were at least 50 school children participating in a school related trip to Beavertail. Ms. Perry stated that the park is for passive recreation for all and she was opposed to the closing of Beavertail for a controlled hunt.

Christopher Savastano, Chair of the Jamestown Wildlife Committee, stated that he believed RIDEM has convinced the National Parks Service that the park is being over run

by deer and that the hunt in the park is the only to manage the deer population. They did not tell the National Parks Service that Lori Gibson admitted that hunting in the park would have no impact on the island's deer population. Mr. Crawford stated that he believed the Town should file for an injunction to stop the controlled hunt based upon their fraudulent report to the National Parks Service.

Donna Salino, Bay Terrace, asked several questions:

How would the areas to be hunted be designated?

Will they be properly posted?

Will the hunters be using deer stands?

Linda DiMauro, Beacon Avenue, asked the Council to think about the loss of tourism. Ms. DiMauro stated that she was opposed to the controlled deer hunting at Beavertail.

Frank Meyers, Southwest Avenue, read an excerpt from the Memorandum of Understanding between the Town of Jamestown and the State indicating that the Beavertail Advisory Committee would be notified or consulted regarding the management of the Beavertail State Park. Mr. Meyers advised the Council that the Committee has not be notified or consulted regarding the controlled deer hunt nor has the Committee been notified that the passive recreational use of the park is being changed as indicated in the letter from Elyse R. LaForest Program Manager of the Federal Lands to Parks Program.

Rhonda Lawrence, Decatur Avenue, asked whose decision it is to allow a controlled deer hunt at Beavertail. Ms. Lawrence stated that she does not agree with closing the park and wants to continue to bring friends and family there when they visit.

Dennis Webster, Mount Hope Avenue, voiced his concern with limiting public access to Beavertail and objected to the use of a public park being restricted in this manner.

John McCormack, Norman Road, wanted to let the Council know that RIDEM has done a great job in maintaining the trails at Beavertail.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

1) Controlled Hunting at Beavertail State Park (continued from 10/10/2006)
The Town Administrator announced that the representative from RIDEM Fish and Wildlife was not in attendance to answer questions as expected.

Council members expressed their frustration with not having the answers to the questions as put forth by the community, as well as not having the information available to enable them to make a decision that would be in the best interest of the Town of Jamestown.

The question arose as to who is in charge of the decision to allow a controlled deer hunt at Beavertail and what level of authority the Town of Jamestown has in this decision.

The Town Administrator stated that as in many of the State properties, RIDEM is the acting agent of the Federal National Parks Service for utilization of the property. However, Mr. Lapisky has indicated in the past that the Department's stance was typically not to take action that was counter to a community's interest, based upon a community's preferences.

The Town Administrator referred to a GIS Map of Jamestown which clearly indicates parcels of land that are ten acres or more. Although a few of the property owners allow hunting, it was stated that most of the parcels were found to be unavailable for hunting. Mr. Keiser noted that in the last hunting season 65 deer were taken (47 by hunting, 18 by accidents).

The Council discussed their hopes for a deer management plan for the entire island that would effectively lower the destruction to the environment and to reduce the occurrence of lyme disease.

There were four areas of major concern expressed by Council members relative to hunting at Beavertail:

- the closing of the park to the general public
- safety issues relating to the use of a public park for hunting
- if there will be hunters at Beavertail before this is decided by the Council
- identification of the exact area of the proposed hunt at Beavertail and the scheduled hours

The Town Solicitor indicated that he believes the State would listen to a plan put together by the Town for the culling of the deer population on Jamestown; however, the State is in a position to institute a management plan for Beavertail.

It was the consensus of the Council to direct the Town Administrator to convey the questions and concerns of the Council to RIDEM and schedule a time for additional discussion.

NEW BUSINESS

1) Farmland Acquisition Committee

The Town Administrator noted that as discussions have progressed in executive session regarding the farmland acquisition program it has become evident that the direction and management of the program is better vested in the Town Administrator's office. This would allow the Town to coordinate with outside funding partners, in particular, federal and state agencies involved with agricultural land conservation, and on a local level with the Conanicut Island Land Trust. In addition, in order to continue conservation efforts, there would be coordination required for Town finances and planning.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to disband the Farmland Acquisition Committee effective October 23, 2006. So unanimously voted.

Councilor Kelly stated that it is important that the committee is properly thanked for their substantial contributions in the continuing efforts for the preservation of open space in the Town of Jamestown.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by councilor Szepatowski to enter into executive session at 8:45 PM, pursuant to RIGL 42-46-5 (a) (2) litigation. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

Upon the Council's return to the regular session, it was moved by Councilor Schnack, seconded by Councilor Kelly to seal the minutes of the executive session from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 9:23 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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