

**TOWN COUNCIL
JAMESTOWN, RHODE ISLAND
February 13, 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 Vice President Julio J. DiGiando. The following members were present:

Michael Schnack
Barbara A. Szepatowski

absent: Council President David J. Long
William A. Kelly

also present were:

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

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.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the consent agenda as presented. So unanimously voted.

- 1) Adoption of Council minutes:
 - a) January 23, 2006 regular meeting
 - b) February 1, 2006 Work Session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (12/13/2005)
 - b) Planning Commission (12/07/2005, 01/04/2006)
 - c) Tax Assessment Board of Review (01/10/2006, 01/18/2006)
 - d) Jamestown Housing Authority (12/07/2005, 12/19/2005)

- e) Jamestown Substance Abuse Prevention Task Force (11/01/2005, 12/14/2005)
- 4) CRMC February 2006 Calendar
- 5) State Planning Council Notices
 - a) Notice of Public Workshops and Public Hearings
 - b) Public Notice re: amendment to the Transportation Improvement Program (TIP)
- 6) Zoning Board of Review abutter notification
 - a) **Application of Brian D. Bryer et ux Nannette A.**, (Kathleen Millett, owner), whose property is located at Prospect Ave., and further identified as Tax Assessor's **Plat 2, Lot 43** for a variance from Article 3, Section 302 (District Dimensional Regulations) Table 3-2 to construct a single family dwelling on a lot fronting on a private street. Said property is located in a RR80 zone and contains 80,000 sq. ft.
 - b) **Application of AMS Development Corp.**, regarding property presently owned by Morris, Ann M. & Eileen, located on Spindrift St., and further identified as Tax Assessor's **Plat 5, Lot 280** for a special use permit as required by Jamestown Ordinance 82—314C. (High ground water table and impervious overlay district) to allow the installation of a new individual sewage disposal system (ISDS) in order to construct a single-family house on the site as approved under development plan review by the Jamestown Planning Commission. The details of the proposed ISDS installation and this application are on file in the office of the Clerk of the Town of Jamestown Zoning Board of Review. This property is located in the R40 district and contains 7,200 sq. ft.
 - c) **Application of the Town of Jamestown**, whose property is located at 93 Narragansett Ave., (Town Hall) and 22 West St. (Planning Office) and further identified at Tax Assessor's **Plat 9, Lot 34 and 35**, is seeking the following relief as allowed under the Zoning Ordinance: A special use permit under Article 3, Section 82-300, Uses and Districts, Table 3-1, IV Government, Educational, Institutional, 9. Government facility. A dimensional variance under Article 3, Section 82-300, District Dimensional Regulations, Table 3-2, building height of 39 feet wherein 35 feet is allowed, lot size of 21,706 square feet, wherein 40,000 square feet is required. A dimensional variance under Article 12, Section 82-1203, Minimum off-street Parking Requirements, 26 spaces provided, 40 spaces being required. A special use permit under Article 12, Section 82-1205, Shared Parking.
The above relief is sought in the proposed addition/renovation of the existing Town Hall. Said property is located in a Public Zone and contains 21,706 sq. ft.
- 7) Abatements/Addenda of Taxes

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator report (as attached) *the following items are listed as action items in the Town Administrator's report:*

- Wildlife Committee Work Session; if favorable set date for work session

It was the consensus of the Council to schedule a work session with the Wildlife Committee to discuss their recommendations for regulating the deer population, educating the public on methods to reduce the risk of contracting Lyme disease, and protecting valuable landscaping from destruction. The work session will be scheduled for March 2, 2006 depending on the availability of the library.

- No discharge inspection mandates by the General Assembly; if favorable, forward request to Legislature to amend or repeal initiative

The Town Administrator reported that the legislation for the Harbor No Discharge Program was apparently achieved without notification and input from the affected cities and towns. As such, the state did not consider the fiscal impact and inspection workload on limited local resources. The Town Administrator recommended that the Council consider sending correspondence to the legislators requesting an amendment or the repeal of this statute.

Michael deAngeli, Harbor Management Commission Chair, recommended that the Council request that the legislative delegation take action to postpone or repeal the harbor No Discharge Program. Mr. deAngeli submitted a report listing the concerns of the Harbor Management Commission for Council consideration.

It was the consensus of the Council that Mr. deAngeli's report be put on the Council agenda for the February 27, 2006 meeting.

Representative Bruce Long reported that the purpose of the legislation was to help clean Narragansett Bay; however, the implementation is difficult. Representative Long stated that the concerns as presented by the Council and the Harbor Management Commission were not taken into consideration. Representative Long stated that he would forward those concerns to the legislature.

The Town Administrator reported on the following items included in his report:

- National Grid
- Recreation Ballfields
- Summit Avenue

- Narragansett Avenue Improvements
 - Land Trust Habitat Restoration
- 2) Tax Assessment Board of Review
 - a) Letter from Anne Maxwell Livingston re: election of members and appeals

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from the Tax Assessment Board of Review. So unanimously voted.

- 3) Finance Department
 - a) Request to hold a work session with Parmalee & Poirier (auditors) for the financial statements as of June 30, 2005; if favorable, set date for work session

It was the consensus of the Council to hold a work session with the Town auditors, Parmalee and Poirier on Monday, February 27, 2006 at 6:30 PM at the Jamestown Philomenian Library.

Councilor requested that an item under New Business be moved up on the agenda.

New Business

- 1) RIDEM Historic Park/Passive Recreation Development Grant, Fort Getty Improvements request Town Council's endorsement
 Town Planner Lisa Bryer informed the Council that the State is offering funding for the development of Historic Parks and passive recreational development. The grant requests \$150,000.00 for a total project cost of \$190,000.00; the Town match for this grant would be \$40,000.00, which would come from unused Recreation/Fort Getty capital funds. The project would consist of developing a new handicap accessible public bathroom facility, new public parking facilities along the south beach at Battery Whiting as well as a new public pavilion at Battery Whiting.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to endorse the request of the Town Planner to submit an application to the Rhode Island Open Space Grant for funding to develop new public facilities at the existing Fort Getty Park. So unanimously voted.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Town Solicitor Parks re: David Thurston v. Town of Jamestown et als, Fresh Water Wetland Application, Plat 16 Lot 12

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Town Solicitor Parks. So unanimously voted.

- 2) Letter from the Visiting Nurse Services of Newport & Bristol Counties re: request for annual \$2000.00 funding

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from the Visiting Nurse Services of Newport and Bristol Counties. So unanimously voted.

- 3) Letter from Franklin & Ann Julian re: town barn

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Franklin and Ann Julian. So unanimously voted.

- 4) Letter from US Senator Lincoln Chafee re: 2007 budget

The Town Administrator stated that he would be meeting with Department Directors to identify any Jamestown projects that Senator Chafee may consider for assistance in federal funding.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to accept the letter from Senator Chafee. So unanimously voted.

- 5) Letter from Patrick Driscoll re: Conservation Commission interview

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Patrick Driscoll. So unanimously voted.

- 6) Letter from Martha Milot re: street name change (Walnut Street)

The Town Administrator stated that he would request recommendations from the Director of Public Works regarding the renaming of Walnut Street.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to refer the letter from Martha Milot to the Town Administrator for further action. So unanimously voted.

- 7) Letter from Marilyn Smayda re: hunting on town owned land

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Marilyn Smayda. So unanimously voted.

- 8) Letter from Anthony Rafanelli re: copy of letter to the Jamestown School Committee (special education program)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Anthony Rafanelli. So unanimously voted.

- 9) Letter from State Senator Paul W. Fogarty re: Senate Bill 2006S – 2135, An Act Relating to Education – the RI Student Investment Initiative

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Senator Fogarty and to forward the letter to the School Committee.

10) Letter from Save the Bay re: 2006 transplant program for eelgrass
It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Save the Bay. 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.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve in the entirety the Holiday License applications as follows:

- 1) Holiday License Applications
 - a) Letter from Deputy Town Clerk requesting new Holiday License applications
 - b) Holiday License Applications:
 - Debsbeads/The Purple Door
 - East Ferry Market, Ltd. (S-Corp)
 - Peking Garden
 - Conanicut Yacht Club
 - McQuade's Laundromat
 - McQuade's Supermarket
 - Del's of Jamestown
 - The Conanicut Store
 - Slice of Heaven
 - Jamestown Xtra mart
 - The Village Hearth Bakery
 - Baker's Pharmacy
 - AB Munroe Dairy
 - Jamestown True Value Hardware
 - Trattoria Simpatico
 - Theatre Family Restaurant
 - Freddie Bing's Hotdog Thing
 - House of Pizza
 - Hodgkiss Farm

So unanimously voted.

- 2) Private Investigator's License Renewal Applications with Bond
 - a) Malcolm Brown, South Shore Investigative Agency
 - b) Ronald F. Lewis

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Private Investigator License renewals for Malcolm Brown, South Shore Investigative Agency and for Ronald F. Lewis. So unanimously voted.

- 3) Peddler License Renewal Applications (\$1,000,000.00 attached)
 - a) Del's of Jamestown
 - b) AB Munroe Dairy
 - c) Freddie Bing's Hotdog Thing

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Peddler License renewals for Del's of Jamestown, AB Munroe Dairy and Freddie Bing's Hotdog Thing. So unanimously voted.

- 4) Trash Collector's Renewal Applications
 - a) Island Rubbish Service, Inc.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Trash Collector renewal license for Island Rubbish Service, Inc. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: legislative update

In addition to Representative Long's legislative update, he informed the Council that it is his intention to introduce legislation to repeal the provision that mandates the Harbormaster be the responsible party for the Harbor No Discharge Program.

Representative Long also reported that the Governor's budget includes an increase for Jamestown in the amount of \$79,000.00.

Councilor DiGiando requested that Representative Long inform the Council if there are any changes in the Governor's budget that may affect Jamestown.

- b) Daniel O'Neill re: Summit Avenue and Lot 47

Mr. O'Neill asked what legal plans the Town has to incorporate lot 47 into the closure of the landfill and the construction of a highway facility.

- c) Michael deAngeli, Harbor Management Commission Chair, re: No Discharge Program

Previously addressed.

- 2) Non-scheduled request to address

Norma Willis, North Main Road, submitted page 7 of a December 13, 1999 report from GZA GeoEnvironmental and addressed several concerns regarding the installation of a well on lot 47 and the inclusion of lot 47 into the plans for the activity on the landfill. Mrs. Willis noted that lot 47 is zoned residential and through the Planning Commission has been designated for affordable housing.

Charlotte Zarlengo, Seaside Drive, informed the Council that she had expected her letter which she submitted to the Council at the January 23 meeting to be on the agenda. Mrs. Zarlengo stated that she would like to know answers to specific questions as outlined in her letter. Mrs. Zarlengo also referenced a lawsuit regarding Ferry Street property and asked to be informed as to the status of that lawsuit.

Councilor DiGiando requested that as an agenda item for the meeting on February 27, 2006 the Council have a more comprehensive discussion regarding the problems that seemingly plague the Jamestown Shores.

Andrew Nicoletta, 2 Prospect Avenue, stated that a well on lot 47 was deemed as non potable; however, now if it is to be considered potable, there should be daily monitoring and a shutoff devices installed.

Debra D'Agostino, Steamboat Street, expressed her concerns relating to the changes made to the High Groundwater Table Ordinance, stating that the removal of the stipulation of new ISDS systems in Sub-district A will create more problems.

APPOINTMENTS AND RESIGNATIONS

- 1) Board of Canvassers; (one (1) vacancy exists for a republican alternate)
 - a) Letter from Jane M. Anthony, Republican Committee re: Alternate Member of the Board of Canvassers for Council consideration
 - Mary Berthelot
 - Tina Harsch
 - Fred Glomb
 - Ernest Anthony, Jr.
 - Charlotte Richardson

The Council Vice President, Julio DiGiando, nominated Charlotte Richardson for the position of alternate on the Board of Canvassers. The nomination was seconded by Councilor Szepatowski and so unanimously voted.

- 2) Planning Commission Three (3) vacancies exist, terms ending December 31, 2009. Duly advertised and interviews complete, if favorable appoint:
 - a) Attendance record submitted by Chair
 - b) Seeking reappointment
 - i) Gary A. Girard
 - ii) Jean MacGregor-Brown
 - c) Letter of interest
 - i) Michael White
 - ii) Judith D'Agostino
 - iii) Kate Smith

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to reappoint Jean MacGregor-Brown to the Planning Commission for a term ending December 31, 2009. It was voted Councilor Schnack, aye; Councilor Szepatowski, aye; Councilor DiGiando, nay. The motion passed with two in favor and one opposed.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to reappoint Gary Girard to the Planning Commission, term ending December 31, 2009. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to appoint Michael White to the Planning Commission, term ending December 31, 2009. So unanimously voted.

UNFINISHED BUSINESS

- 1) Wildlife Committee (cont. from 01/23/2006)
 - a) Report from Town Administrator regarding recommendations from the Wildlife Committee

Previously addressed.

- 2) Rhode Island Department of Environmental Management workshop held on 12/12/2005 re: well pollution in the Jamestown Shores (cont. from 01/09/2006)
 - a) Continued discussion

The Town Administrator stated that Town Solicitor Harsch has been working on the possibility of enacting a moratorium on development in the Jamestown Shores area. Mr. Harsch is researching any legal issues that would be involved in such a moratorium.

It was the consensus of the Council that the concerns regarding well pollution in the Jamestown Shores be continued to the February 27, 2006 Council meeting.

- 3) Maintenance of ballfields (cont. from 01/09/2006)
 - a) Schedule and budget

The Town Administrator informed the Council that he expects that the schedule and budget for the maintenance of ball fields will be a part of the budget work sessions.

Councilor Szepatowski reported that at a meeting of the Jamestown Baseball Association there was discussion relating to changes being made to the way the fields are presently set up at one of the fields this year so that there can be continued play with the thirteen year old to fifteen year old children.

- 4) Special Events and Exhibitions Policy/Procedures (cont. from 01/09/2006)

Councilor Schnack reported that he will be working with the Town Administrator to develop a policy and procedure for special events and exhibitions and requested that this be continued to the March 27, 2006 Council meeting.

NEW BUSINESS

- 1) RIDEM Historic Park/Passive Recreation Development Grant, Fort Getty Improvements request Town Council's endorsement

Previously discussed.

- 2) February 1, 2006 Council Work Session follow-up (per Council President Long)

The Town Administrator reported that he was informed by Laurie Grandchamp, Assoc. Super. Engineer at Rhode Island Department of Environmental Management that there has been over 100 letters received at RIDEM commenting on the Remedial Action Work Plan and 50% Design Documents for the former Jamestown landfill. Mr. Keiser stated that it is expected that RIDEM will be responding to those letters in the near future.

The Council discussed the possibility of RIDEM making a presentation to the Council at the time of their decision on the Remedial Action Work Plan and 50% Design Documents.

- 3) Letter from Town Solicitor Parks re: No-Discharge Program
requiring an inspection by the Harbormaster (RIGL 42-12-41)
No action taken.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 8:05 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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