

TOWN COUNCIL MEETING
February 27, 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 J. DiGiando, Vice President
Barbara A. Szepatowski
Michael Schnack

absent: William A. Kelly

also present:

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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

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 item #3 (a) 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.

- 1) Adoption of Council minutes:
 - a) February 13, 2006 regular meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a)
 - b) Board of Canvassers (02/07/2006)
 - c) Library Board of Trustees (01/03/2006)
 - d) Jamestown Substance Abuse Prevention Task Force (02/08/2006)
 - e) Harbor Management Commission (10/11/2006)
- 4) CRMC February 2006 Calendar (amended)
- 5) Resolutions/Proclamation from other Cities and Towns

- a) Town of New Shoreham re: supporting US Senate Bill 1479 and House Bill 3427 Concerning Lyme Disease
- b) Town of Smithfield re: supporting US Senate Bill 1479 and House Bill 3427 Concerning Lyme Disease
- 6) Municipal Memo regarding current legislation

- 3) Minutes from Boards, Commissions and Committees:
 - a) Conservation Commission (01/10/2006)

Councilor DiGiando noted that it was his understanding that all applicants must be informed when a board or commission would be reviewing their application. Section V., # 9 of the Conservation Commission minutes states that only those applications that seem contentious or unusual will be notified prior to any discussion.

The Town Administrator stated that he would discuss this with the Conservation Commission Chair.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the minutes from the Conservation Commission. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator report (verbal)

2006/2007 Budget

It is expected that the budget will be delivered to the Council on March 7, 2006. Budget work sessions are scheduled for March 14 for the Town budget and March 21 for the School budget. Both meetings will begin at 6:00 pm.

Council President Long requested that there be a third work session scheduled in the event that it was needed.

Financial Town Meeting

The Town Administrator informed the Council that the Financial Town Meeting would be held on Monday, June 5, 2006.

Change of Street Name

The Town Administrator reported that he has researched Walnut Street, as requested by the Council at their last meeting, and found that there is another street with the identical name. The street located in the old Mullen Plat is a paper street and if necessary would be easy to change the name as it has never been used. In addition, The Town Administrator reported that there are other streets with identical names that are also being reviewed for possible changes.

50% Design Plan

Laurie Grandchamp, Assoc. Super. Engineer for RIDEM has reported that there has been over 400 letters submitted regarding the 50% Design Plan for the former landfill. She is preparing a summary response which will be mailed out within two weeks. The Town will be receiving a copy of the response.

Recreation Ball fields

The Town Administrator reported that the recreation ball fields, benches, fencing and concession stand will be worked on by the Recreation Staff. It is expected that the fields will be in order for play in the Spring. Although it is difficult because of the league practice schedule. Also of concern is the inability to irrigate the fields properly.

Councilor Szepatowski reported that the fields have been measured to ensure that they are in compliance with the scholastic leagues. It was found that it will be necessary to make some changes before play begins. Councilor Szepatowski noted that the School Superintendent stated that there may be some school funding available.

Councilor DiGiando inquired if it would be feasible to use the same irrigation system of wastewater collection as the Golf Course does for the ball fields. The Town Administrator answered that he is looking into that possibility.

Private Well Testing

The Town Administrator reported that he would provide the Council with an update on the testing of private wells adjacent to the former landfill.

- 2) Fire Department
 - a) Letter from the Fire Chief re: member status

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

- 3) Town Clerk
 - a) Reminder - Town Council Work Session with the Jamestown Wildlife Committee on March 1, 2006 at 7:00 pm

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the communication from the Town Clerk. So unanimously voted.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Resolution #06-004 re: Community Development Block Grant

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to adopt Resolution 06-004 endorsing the application for a Community Development Block Grant. So unanimously voted.

- 2) Ordinance amending Chapter 22 of the Code of Ordinance of the Town of Jamestown; if favorable, set date for hearing

It was the consensus of the Council to instruct the Clerk to set the date for a hearing on the proposed ordinance amending Chapter 22, Article V. Agriculture, Division 1. Notification to Farmers of the Code of Ordinance.

COMMUNICATIONS AND PETITIONS

- 1) Letter from Emily Anthony re: litter program

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the letter from Emily Anthony and refer the letter to the Town Administrator. So unanimously voted.

In Council discussion regarding the litter program, Councilor DiGiando expressed his concern regarding the possibility of the litter patrol being exposed to the deer ticks at Taylor Point. Councilor Szepatowski requested that litter cans be placed in the downtown area.

- 2) Letter from Charlotte Zarlengo re: written copy of statement presented to the Town Council on 01/23/2006

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from Charlotte Zarlengo. So unanimously voted.

- 3) Letter from Michael de Angeli re: No-Discharge program

It was moved by Councilor DiGiando, seconded by Council President Long to accept the letter from Michael de Angeli. So unanimously voted.

- 4) Letter from Brenda Bennett re: Valley Street

It was moved by Councilor DiGiando, seconded by Council President Long to accept the letter from Brenda Bennett and to forward it to the Town Administrator, Chief of Police and the Traffic Commission. So unanimously voted.

- 5) Letter from Liz and Bill Brazil re: Lawn Avenue School

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the letter from Liz and Bill Brazil. 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) Holiday License Applications

- a) Holiday License Applications:

- R & R Gallery, 47 Conanicus Avenue Unit 5
- Narragansett Café, 25 Narragansett Avenue
- Video Showcase, 28 Southwest Avenue
- Secret Garden, 12 Southwest Avenue
- Tricia's Tropigrille, 14 Narragansett Avenue

- Chopmist Charlies, 40 Narragansett Avenue
- Dutch Harbor Boat Yard, 252 Narragansett Avenue (note change of owners and hours of operation)
- Cumberland Farms Store #1108, 41 North Road
- Grapes & Gourmet, 9 Ferry Wharf
- Portuguese American Citizens Club, 11 Pemberton Avenue (note change of officers)
- Page's Liquors, 30 Southwest Avenue (Department Directors signatures in route)
- Jamestown Boat Yard, 60 Dumpling Drive
- Jamestown Designs, 17 Narragansett Avenue

It was moved by Council DiGiando, seconded by Councilor Szepatowski to approve the Holiday Licenses as submitted. So unanimously voted.

- 2) Trash Collector's Renewal Applications
 - a) BFI Waste of Fall River/Allied Systems (Department Directors signatures in route)

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Trash Collector's License. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: legislative update
 Representative Long updated the Council on current legislative matters.

2) Non-scheduled request to address
 Ellen Winsor, East Shore Road, informed the Council that the North End Concerned Citizens will be holding a meeting to discuss the findings of their engineering experts regarding the former landfill.

Bucky Brennan, Narragansett Avenue, supported the new hours for the Dutch Harbor Boat, but requested that the Council consider the hours on a one-year trial basis.

Donna Cote, Spindrift Street, presented a letter to the Council regarding the issuance of State and Town variances in the high groundwater areas and a request for consideration of a moratorium on the issuance of those variances until it is determined what the cumulative results of development in that area would be.

Charlotte Zarlengo, Seaside Drive, stated that the letter received by the Town Solicitor did not answer the questions that she submitted. Ms. Zarlengo asked how the Council would correct the situation that transpired with the Thurston property and how this would be prevented from happening again.

Phillip Zarlengo, Seaside Drive, informed the Council that there are nine double wells on Seaside Drive. Mr. Zarlengo stated that he believes this is a very serious problem and reflects on the quality and quantity of water in that area.

Ellen Winsor, East Shore Road, asked about the effect of the increased demand for water in the Shores area affecting the salt water lens.

APPOINTMENTS AND RESIGNATIONS

- 1) Conservation Commission (Two (2) vacancies – term ending December 31, 2008) duly advertised and interviews complete; if favorable, appoint
 - a) Letter of resignation from Patrick Bolger
 - b) Letter of Recommendation from Christopher Powell, Chair, in support of the re-appointment of Jennifer Talancy
 - c) Seeking Re-appointment
 - i) Jennifer Talancy
 - d) Letters of Interest
 - i) Patrick Driscoll
 - ii) Michelle K. Estaphan (also interviewed for the Water Resource Protection Committee)
 - iii) Mark Baker
 - iv) Leo Cote

It was moved by Councilor DiGiando, second by Councilor Schnack to accept the resignation from Patrick Bolger from the Conservation Commission. So unanimously voted.

It was moved by Councilor Szepatowski, seconded by Councilor DiGiando to reappoint Jennifer Talancy to the Conservation commission, with a term ending December 31, 2008. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to appoint Patrick Driscoll to the Conservation Commission for a term ending December 31, 2006. So unanimously voted.

- 2) Water Resource Protection Committee (One (1)) vacancy, – term ending December 31, 2008; duly advertised and one interview complete. If favorable:
 - a) Letter of resignation from Richard Hutchinson
 - b) Letter of Interest
 - i) Carol Lynn Trocki
 - ii) Ellen Winsor
 - iii) Jim Turrene
 - iv) Michelle K. Estaphan (also interviewed for Conservation Commission)

It was moved by Councilor Szepatowski, second by Council President Long to accept the resignation of Richard Hutchinson. So unanimously voted.

It was the consensus of the Council to interview Ellen Winsor prior to making an appointment to the Water Resource Protection Committee.

UNFINISHED BUSINESS (cont. from 02/13/2006)

1) Jamestown Shores environmental health concerns; well pollution
The Council discussed the possibility of forming a committee charged with identifying the issues of concern relating to the groundwater conditions in the Jamestown Shores area and providing solutions or recommendations to the Council for their consideration. Councilor Szepatowski suggested that the Water Resource Protection Committee might be able to assist in reviewing the issues in the Shores; however as the discussion progressed Council President Long requested that the Town Administrator meet with the Town Planner, Town Engineer, and Building Inspector to suggest the makeup of a group to tackle this issue.

It was the consensus of the Council to continue on the March 13, 2006 Council agenda the possibility of forming a committee to research the environmental concerns in the Jamestown Shores area.

2) Letter from Michael de Angeli re: No-Discharge program
Michael de Angeli, Harbor Management Commission Chair commented that the implementation of the No-Discharge program as written is unworkable. The timing, which requires all boats to be inspected every four years, with the initial round completed prior to the issuance of mooring permits for the 2007 season imposes an enormous workload without proper staffing and funding. The steps necessary to prevent the discharge of sewage are vague and it is questionable whether individuals who presently disobey the no-discharge law will cease after they have had their boats inspected and receive their decals. In addition Mr. de Angeli pointed out that any requirement to keep a pump-out log at pump-out stations that are operable by the boat owner appears pointless. As a final comment Mr. de Angeli reported that the Jamestown Harbor Management Commission strongly recommends that the Town Council take steps to seek the repeal, substantial amendment or delay in the implementation of the new law.

Representative Bruce Long informed the Council that legislation is being presented to reform the No-Discharge Program. Representative Long will inform the Council when the hearings will begin.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to forward a resolution endorsing the letter from the Jamestown Harbor Management Commission to Rhode Island Department of Environmental Management. So unanimously voted.

NEW BUSINESS

- 1) Letter from Michael Gray, PE re: award bid to RT Group, Inc. for engineering services for Fort Getty in an amount not to exceed \$8,160.00

The Town Administrator informed the Council that the Town Engineer has been working with the Harbor Commission and the Fort Getty Master Plan Committee regarding the boat facility at Fort Getty and the hiring of engineering services to improve the boat ramp, building a new wooden pier and establishing a touch-and-go.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to award the bid to RT Group, Inc for engineering services for Fort Getty in an amount not to exceed \$8,160.00. So unanimously voted.

- 2) CRMC Notice to Stephen Mecca re: construction of a residential boating facility
- 3) CRMC Notice to Stephanie Basile re: construction of a residential boating facility
- 4) CRMC Notice to Candice Noll re: construction of a residential boating facility

It was moved by Councilor DiGiando, seconded by Council President Long to accept the CRMC notices regarding Stephen Mecca, Stephanie Basile and Candice Noll. So unanimously voted.

- 5) Notices from Jamestown Harbor Management Commission
 - a) Stephen Mecca
 - b) Stephanie Basile
 - c) Candice Noll
 - d) Carl Schweinshaut

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

- 6) Letter to CRMC from Jamestown Harbor Management Commission requesting extension of time for replies

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the copy of the letter to CRMC from the Jamestown Harbor Management Commission. So unanimously voted.

- 7) Award of Bid re: self contained breathing apparatus to FireMatic for an amount not to exceed \$134,960.00

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to award the bid for self contained breathing apparatus to FireMatic for an amount not to exceed \$134,960.00. So unanimously voted.

There being no further business before the Council it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn the meeting at 8:25 PM. So unanimously voted.

Attest:

Arlene D. Petit

Town Clerk

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