

# TOWN COUNCIL MEETING

March 13, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 6:05 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  
J. William W. Harsch, Town Solicitor, left at 7:00 PM  
A .Lauriston Parks, Town Solicitor, left at 7:00 PM  
Carolyn Mannis, Assistant Town Solicitor

## EXECUTIVE SESSION ANNOUNCEMENT

It was moved by Councilor DiGiando, seconded by Councilor Schnack to adjourn into executive session at 6:07 PM pursuant to RIGL 42-46-5 (a) (2) to discuss potential litigation and RIGL 42-46-5 (a) (2) to discuss contract negotiations. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

- 1) Pursuant to RIGL 42-46-5(a) (2) re: potential litigation (6:00 pm)
- 2) Pursuant to RIGL 42-46-5(a) (2) re: contract negotiations (6:00 pm)

The Council returned from executive session at 6:49 PM. It was moved by Councilor DiGiando, seconded by Councilor Szepatowski 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.

It was the consensus of the Council to interview Ellen Winsor for a position on the Water Resource Protection Committee at this time.

6:50 pm                      Ellen Winsor                      Water Resource Protection Committee

The Council returned to the regularly scheduled meeting at 7:00 PM.

It was the consensus of the Council to move the Jamestown Youth Group's request to address the Council up on the agenda.

## Open Forum

c) Jamestown Youth Group re: funding for teen program  
Melissa Minto, Youth Group Coordinator introduced the following youth group members for a presentation to the Council: Kate Moreau, Courtney Westall, Sarah Pease, Jenn Thomas, Ally Yeomans, Chad Woodward, and Lili Flour

The youth group presented a history of the Jamestown Youth Group and mentioned upcoming teen events. The youth group asked the Council's support to begin an investigation into the possibility of constructing an addition to the community center to be used as the meeting location for the Jamestown Youth Group. The Council was invited to the Café Night which will be held on March 22<sup>nd</sup> at the Teen Center.

### **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 #1 (c) 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 27, 2006 work session minutes
  - b) February 27, 2006 meeting minutes
  - c)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Tree Preservation and Protection Committee (12.20.05)
  - b) Planning Commission (01.18.2006)
  - c) Zoning Board of Review (01.24.06)
  - d) Fort Getty Master Plan Committee (09.21.05, 10.27.05)
- 4) CRMC March 2006 Calendar
- 5) Resolutions/Proclamation from other Cities and Towns
  - a) City of East Providence re: supporting US Senate Bill 1479 and House Bill 3427 Concerning Lyme Disease
  - b) Town of Foster re: Senate Bill 2006S – An act relating to education

- c) Rhode Island House Resolution re: requesting Rhode Island's 39 cities and towns to support a nationwide boycott on all petroleum-based products from the Exxon Mobil Corporation
- 6) Abutter notification to the Town of Jamestown from the Zoning Board of Review:
  - a) Application of **Lino Corredora, (Beatrice C. Burns, owner)** whose property is located between **Hull and Stern Streets**, and further identified as Tax Assessor's **Plat 14, Lot 80** for a special use permit as required by Jamestown Ordinance 82-314C.2. (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 zone and contains 14,400 sq. ft.
- 7) Letter from the Newport County Convention & Visitors Bureau re: audit report
- 8) Tax Assessor's Abatements/Addenda

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- 1) Adoption of Council minutes:
  - c) March 1, 2006 work session minutes

Councilor DiGiando noted that Lori Gibson stated at the work session that there is no reason for a private landowner to not give permission to a hunter on their land with restrictions that they place in writing to the prospective hunter. It was the consensus of the Council that the minutes be corrected.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the March 1, 2006 work session minutes as amended. So unanimously voted.

### **EXECUTIVE SESSION ANNOUNCEMENT**

Council President Long announced that the executive session to discuss potential litigation, RIGL 42-46-5 (a) (2) would be continued at the end of the meeting.

- 1) Pursuant to RIGL 42-46-5(a) re: potential litigation (6:00 pm)
- 2) Pursuant to RIGL 42-46-5(a) re: contract negotiations (6:00 pm)

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

- 1) Town Administrator report (verbal)
  - a) Department Director reports

The Town Administrator reported on the following issues:

#### Budget Work Sessions

The budget works sessions have been scheduled at the Jamestown Philomenian Library at 6:00 PM for the following dates:

- March 14, 2006      Town Operating Budget and Capital Improvements
- March 21, 2006      School Budget
- March 23, 2006      Wrap-up

#### Ball Fields

The Recreation Department continues to work on the maintenance of the ball fields. A portable backstop has been ordered for the Babe Ruth field. The Recreation Director is considering non-pesticide related fertilizers for the fields. The administration is working on a way to better irrigate the fields.

Councilor Szepatowski commented that the Jamestown Rotary has donated an electronic scoring board to the Baseball Association.

#### Narragansett Avenue Waterline Project

RIDOT is considering the Town's request to patch pave the waterline site prior to the Downtown Treescape Improvement project. When the Narragansett Avenue project is completed, the finished paving would be installed.

#### Landfill Closure – 50% Design

The Town Administrator reported that there have been over 400 letters received at RIDEM regarding the Remedial Action Work Plan and 50% Design Drawings of the former Jamestown Landfill which the Town submitted to RIDEM. It is expected that RIDEM will forward a summary letter in answer to the comments received. Town staff will be meeting with RIDEM and the Department of Health on Thursday to discuss the well testing results recently submitted.

#### Council comments:

Councilor DiGiando noted that on March 8, 2006 the Harbor Commission reviewed the applications submitted to CRMC by individuals for the construction/maintenance of docks and found there to be no action taken by the Harbor Commission. The applications reviewed are as follows:

- Stephanie Basile
- Candice Noll
- Stephen Mecca
- Carl Schweinshaut
- Robert Halstead

Councilor DiGiando suggested that the Council did not need the Trial Balance Sheets submitted with the Budget to Actual Report. Also not required would be the additional detail covered on the Fee and Cost Detail Report submitted by the Building Official.

It was the consensus of the Council that these additional reports would continue to be submitted to the Town Administrator; however, at this time, they need not be forwarded to the Council.

- 2) Planning Commission
  - a) Memorandum re: Comprehensive Permit for Low and Moderate Income Housing

The Town Administrator informed the Council that the proposed amendment to the Zoning Ordinance relating to the comprehensive permit for low and moderate income housing will take advantage of the new statute allowing Towns with approved affordable housing plans which are meeting local housing needs to limit the number of permit applications from for-profit developers to an aggregate of one percent (1%) of the total number of year-round housing units in the Town.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to order the advertising for the proposed amendment to the Zoning Ordinance for public hearing. So unanimously voted.

### **PUBLIC HEARING**

None

### **ORDINANCES AND RESOLUTIONS**

- 1) Resolution #06-005 re: Fair Housing Month

It was moved by Councilor DiGiando, seconded by Councilor Schnack to adopt Resolution 06-005 endorsing April as Fair Housing Month. So unanimously voted.

### **COMMUNICATIONS AND PETITIONS**

- 1) Invitation from the City of Newport to the Jamestown Town Council re: St. Patrick's Day parade

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the invitation from the City of Newport. So unanimously voted.

- 2) CRMC public notification 2006-01-021 to Robert Halstead, 1151 North Main Road to construct a residential boating facility
  - a) Letter from Chief Thomas P. Tighe re: review of CRMC public notice 2006-01-021

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the CRMC public notification #2006-01-021 to Robert Halstead, 1151 North Main Road to construct a residential boating facility. So unanimously voted.

- 3) Petition from the following citizens re: recommendations of the Wildlife Committee:

- Tania J. Biddle
- Janice M. & David Martin
- Deborah Slattery
- Josephine Rafanelli

It was moved by Councilor Schnack, seconded Councilor Kelly to accept the Communications from Tania J. Biddle, Janice M. and David Martin, Deborah Slattery, and Josephine Rafanelli. 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:
  - Jamestown Oyster Bar, 22 Narragansett Avenue
  - Zeek's Bait & Tackle, 194 North Road
  - Stonecraft Sterling, 34 Narragansett Avenue, Suite #4
  - Spinnaker's Café, 3 Ferry Wharf
  - Spinnaker's Café Mobile Unit, East Ferry, Ft. Getty, Mackerel Cove Beach parking lot
  - New England Golf & Country Club aka: Caddy Shack, 245 Conanicus Avenue
- 2) Peddler's License Renewal
  - Spinnaker's Café Mobile Unit, East Ferry, Ft. Getty, Mackerel Cove Beach parking Lot
  - Stearns Farms Organic Produce, East Ferry Beach (near hot dog stand and beach wall)
- 3) Trash Collector's Renewal Applications
  - a) Waste Management of RI, Inc., Island wide
- 4) Exhibition/Event License:
  - a) Maureen Dunn Packer & Robert packer to hold the annual Ali Dunn Packer Memorial 5K road race (Ali♥s Run) at Fort Getty on Sunday, June 4, 2006 from 10:00 am to 4:00 pm (traffic control will be needed)
  - b) Joan McCauley to hold a plant sale to benefit the Friends of the Jamestown Fire Department and EMS on Narragansett Avenue in front of the Fire Department Museum during the Memorial Day parade (Monday, May 29, 2006) from 10:00 am to noon (no insurance certificate attached)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the following licenses as presented:

### Holiday Licenses

- Jamestown Oyster Bar, 22 Narragansett Avenue
- Zeek's Bait & Tackle, 194 North Road
- Stonecraft Sterling, 34 Narragansett Avenue, Suite #4
- Spinnaker's Café, 3 Ferry Wharf
- Spinnaker's Café Mobile Unit, East Ferry, Ft. Getty, Mackerel Cove Beach parking lot

- New England Golf & Country Club aka: Caddy Shack, 245 Conanicus Avenue

Peddler’s License Renewals

- Spinnaker’s Café Mobile Unit, East Ferry, Ft. Getty, Mackerel Cove Beach parking Lot
- Stearns Farms Organic Produce, East Ferry Beach (near hot dog stand and beach wall)

Trash Collector’s License Renewal

- Waste Management of RI, Inc., Island wide

Exhibition/Event Licenses

- Maureen Dunn Packer & Robert packer to hold the annual Ali Dunn Packer Memorial 5K road race (Ali♥s Run) at Fort Getty on Sunday, June 4, 2006 from 10:00 am to 4:00 pm (traffic control will be needed)
- Joan McCauley to hold a plant sale to benefit the Friends of the Jamestown Fire Department and EMS on Narragansett Avenue in front of the Fire Department Museum during the Memorial Day parade (Monday, May 29, 2006) from 10:00 am to noon (no insurance certificate attached)

So unanimously voted.

**OPEN FORUM**

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

Representative Long reported on the following proposed legislation:

- House Bill 7791 An act relating to waters and navigation – water pollution, noting that this proposed legislation would allow the harbormaster to issue mooring permits without requiring the harbormaster to first inspect the boat for a “no discharge certificate decal”.
- House Bill 7344 An act relating to the Department of Environmental Management, noting that the proposed legislation takes into account the cumulative effects of regulatory actions on the issuance of permits and approvals on ISDS variances in the Jamestown Shores area.

- b) Letter from Barbara Szepatowski, owner of Paws & Claws, re: over population of deer

Councilor Szepatowski asked that her letter be addressed under new business.

- c) Jamestown Youth Group re: funding for teen program

Previously addressed.

- 2) ~~Non-scheduled request to address~~ Scheduled to address continued

- a) Linda DiMauro re: Humane Society of Jamestown re: Wildlife Committee recommendations

Ms. DiMauro expressed her concerns regarding the potential dangers of opening Town-owned land for the purpose of hunting, as well as the committee’s request to allow hunting with rifled barrel guns. Ms. DiMauro requested that the Council not consider these committee recommendations.

b) Dennis Tabela (Defenders of Animals) re: Wildlife Committee recommendations

Mr. Tabela, representing the Defenders of Animals Organization read a statement outlining the number deer killed in Rhode Island over a number of years as well as the number of hunting permits issued. Mr. Taber presented the Council with statistics regarding a special deer hunt on Nantucket and indicated that this did not resolve the deer problem or control the spread of tick-borne diseases. Mr. Tabela suggested several scientific methods for controlling deer ticks.

2) Non-scheduled request to address Donald Forrest, Summit Avenue encouraged the Council to adopt the recommendations of the Wildlife Committee

Adolphe Salaun, Seaview Drive, asked the Council what could be done with abundance of wild geese that are everywhere on Jamestown.

Donna Cote, Spindrift Street requested that there be strict adherence to the standards set for issuing variances in the over-lay district in order to protect private wells.

Keith Stavely, Capstan Street, spoke against the highway facility being located at the former landfill site. Mr. Stavely asked that the Council amend the agenda to allow for response discussion.

Susan Little, North Main Road, recognized the issue of well contamination in property abutting the former landfill and asked that well testing be expanded to lot 47 and the former Vieira farm. Ms. Little also requested that the hydrology of the former Vieira farm. Ms. Little asked that the Council amend the agenda to allow for response discussion.

Polly Latham, Cole Street, requested that the Council consider the adoption of a tax freeze for the elderly citizens of Jamestown.

Thomas Tinker, Seafarer Court, stated that he is concerned with the well contamination in the Shores and requested that the Council make an effort to ensure that the landfill is not the source of the cobalt found in the abutting wells.

Victor Richardson, Hamilton Avenue, presented information on the magnetite, cobalt and cumberlandite found at the north end of the island. Mr. Richardson informed the Council that there was an active mine many years ago in the North end of Jamestown.

Nancy Crawford, Mast Street, discussed her concerns relating to the enforcement of RIDEM regulations if there is an increase in hunting on Jamestown.

Steve Jacobson, North Main Road, stated that his property abuts the old Vieira farm and he was never informed about well contamination. Mr. Jacobson questioned the report of GZA made in 1992 and suggested that any abutting wells be tested. Mr. Jacobson asked that the Council amend the agenda to allow for response discussion.

Raymond Iannetta, North Main Road, suggested that if the Council is considering constructing the highway facility at the former landfill, the Town should apply for the necessary special use permit from the Zoning Board of Review. Mr. Iannetta requested that this be put on the Council agenda. Mr. Iannetta asked that the Council amend the agenda to allow for response discussion.

Phil Willis, North Main Road, suggested that the Town of Jamestown put in a desalinization plant and bring water up to the North end of the island.

Ellen Winsor, East Shore Road, informed the Council that the priority points program for long term loan with low interest will again be available and requested that the Council forward an application for that program. Jamestown would be able to use those funds to complete a full assessment of the former landfill site and impact.

Donna O'Neill, Summit Avenue, referred to a letter she received from the Department of Health in reply to a letter she sent on February 6, 2006. Ms. O'Neill reviewed the letter and requested that the Council provide a contingency plan if any of the surrounding wells are contaminated. Ms. O'Neill asked that the Council amend the agenda to allow for response discussion.

There being no further comments, Council President Long inquired if it would be proper order of business to address the issues in Open Forum.

The Town Solicitor instructed the Council that the agenda could be amended to add an item for discussion purposes only.

Councilor Szepatowski suggested that the Town use a mediator to assist in a point/counterpoint discussion with GZA GeoEnvironmental and Mactec.

The Town Engineer suggested that it is necessary to hear from RIDEM prior to any decisions on how the Town will proceed.

The Town Administrator noted that RIDEM will be responding to many of the concerns of the residents as well as making an assessment on the 50% Design submitted by the Town of Jamestown. Mr. Keiser suggested that the Council wait until RIDEM has assessed the 50% Design and made comments

Council President Long called for a five minute recess at 8:20 PM.

The Council returned to the meeting at 8:27 PM.

## **APPOINTMENTS AND RESIGNATIONS**

- 1) Water Resource Protection Committee, two (2) vacancies, – terms ending December 31, 2007; duly advertised and interviews complete. If favorable appoint:
  - a) Letters of Interest:

- i) Carol Lynn Trocki
- ii) Ellen Winsor
- iii) Jim Turrene
- iv) Michelle K. Estaphan (also interviewed for Conservation Commission)

Following Council discussion on their choice of applicants, it was moved by Councilor DiGiando, seconded by Councilor Kelly to appoint Carol Lynn Trocki, and Jim Turrene to the Water Resource Protection Committee. It was voted Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, nay; Council President Long, aye. The motion passed with four in favor and one opposed.

**UNFINISHED BUSINESS** (cont. from 02/27/2006)

- 1) Jamestown Shores environmental health concerns; well pollution
  - b) The Council will consider the information of a committee to research the environmental concerns in the Jamestown Shores

The Town Administrator reported that presently there is legislation before the General Assembly relevant to water quality issues dealing specifically with the cumulative impact on areas such as the Jamestown Shores. The Town Administrator informed the Council that he met recently with the Town Planner, Town Engineer, Building Official, and Jack Hubbard, Chair of the Water Resource Protection Committee to determine if present Town Ordinances are properly addressing the concerns in the Jamestown Shores area. Mr. Keiser reported that the implementation of several ordinances, including the High Groundwater Table Ordinance, the On-sight Wastewater Management District, the 150' setback requirement to freshwater wetlands under Section 308 of the Zoning Ordinance, as well as Storm water Regulations, from a regulatory standpoint appear to be having a very influential affect on changing the nature of development in the Jamestown Shores area. Therefore, the Town Administrator recommended that, at this time, there was not a need for a new committee to address these issues.

The Town Administrator also noted that he is recommending an increase in hours to the position that is responsible for the inspection of the onsite wastewater management program. This increase in hours would allow for a higher level of staff effort devoted to examining conditions within problematic areas.

Councilor DiGiando suggested that there were concerns from the Jamestown Shores residents regarding the number of variances issued by the Zoning Board of Review. Councilor DiGiando asked for the number of substandard lots that the Town could potentially secure to help alleviate over development.

Following a lengthy discussion by the Council, it was the consensus of the Council that the Town Administrator provide information on the number of available lots, as well as the number of variances that have been approved and how many have been denied.

Town Engineer, Michael Gray reported that he will be holding a work shop for residents on April 3 to discuss the Onsite Wastewater Management Program, storm water management, and wells.

## NEW BUSINESS

1) CRMC public notification 2006-01-021 to Robert Halstead, 1151 North Main Road to construct a residential boating facility  
Previously addressed.

2) Copy of letter from the Finance Director to the Town Administrator re: a one-year extension for the town audit at no additional cost  
It was moved by Councilor DiGiando, seconded by Councilor Kelly to allow for a one-year extension for the services of the auditing firm of Parmelee, Poirier and Associates at the current contract price. So unanimously voted.

3) Copy of letter from William J. Piva, President of the International Brotherhood of Police Officers Local 305 to Police Chief Thomas P. Tighe re: grievance of Officer Derek Carlino  
It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the grievance of Officer Derek Carlino as communication. So unanimously voted.

4) Jamestown Wildlife Committee recommendations to the Jamestown Town Council for acceptance  
a) Letter from Barbara Szepatowski, owner of Paws & Claws, re: over population of deer  
Councilor Szepatowski made specific recommendations to the Council for their consideration. In addition, the Council discussed the recommendations made by the Jamestown Wildlife Committee.

It was the consensus of the Council to request the following additional information for the next Town Council agenda on March 27, 2006:

- Costs associated with providing State Police sharpshooters (to be provided by Councilor Szepatowski)
- Article regarding the steps taken on Nantucket and the results of those initiatives

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the following recommendations by the Jamestown Wildlife Committee:

- The Town should provide public education regarding the impacts of deer overpopulation, applicable hunting regulations, and procedures to facilitate hunting on private property,
- The Town should proactively encourage property owners to permit hunting on their land by developing a system that provides a means for residents to contact and interview suitable candidates to hunt on their property,
- The Town should solicit the DEM to add up to three additional deer tags per season for Conanicut Island, restricted to antlerless deer only,
- The Town should consider abolishing its antiquated ordinance that requires hunters on Conanicut Island to use less accurate, smooth bore gun barrels, and
- The Town should request that RIDEM provide a Weigh Station in Jamestown.

It was voted Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye;

Councilor Szepatowski, nay; Council President Long, aye. The motion passed with four in favor and one opposed.

Nancy Crawford, Jamestown Wildlife Committee member stated that she would like the Council to consider providing residents with educational pamphlets on tick-borne diseases. The cost of providing the pamphlet is expected to be approximately \$600.00.

It was the consensus of the Council to instruct the Town Administrator to look into financing the purchase of the pamphlets.

It was the consensus of the Council to invite Dr. Mather to attend a work session in April or May to provide information on the prevention of tick-borne diseases.

### **EXECUTIVE SESSION (Cont.)**

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to enter into executive session at 9:30 PM pursuant to RIGL 42-46-5 (a) (2) to discuss potential litigation. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

The Council returned from the executive session at 10:10. It was moved by Councilor Schnack, seconded by Councilor Szepatowski to seal the executive session minutes from the public. The vote was 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 Councilor Szepatowski to adjourn at 10:13 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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