

TOWN COUNCIL MEETING

March 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 Vice President Julio J. DiGiando. The following members were present:

William A. Kelly
Barbara A. Szepatowski
Michael Schnack

absent: Council President David J. Long

also present:

Bruce R. Keiser Town Administrator
Arlene D. Petit, Town Clerk
A. Lauriston Parks, 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.

The public hearing for the transfer of a Class A Liquor License was opened at 7:02 PM by Council Vice President Julio J. DiGiando.

- 1) Transfer application advertisement in the Jamestown Press on Thursday, March 9th & 16th
- 2) Letter to Jean Page, Inc. dba: Page's Liquors from the Town Clerk's Office
- 3) It 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 applications have been received by the Town Council for licenses under said Act, for the year ending December 1, 2006:

TRANSFER:

CLASS A (retail)

Jean Page, Inc.
dba: Page's Liquors
30 Southwest Avenue
TO:
Varsha, Inc.
dba: Jamestown Wine & Spirits
30 Southwest Avenue

NEW LICENSE:

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

Vice President DiGiando invited public comment on the transfer of liquor license.

There being no public comment, it was the consensus of the Council to close the public comment portion of the hearing at 7:09 PM.

The Town Solicitor informed the Council that the hours of operation were consistent with the statute governing a Class A retail establishment.

In answer to Councilor Szepatowski's concerns regarding the illegal sale of alcohol to underage individuals, the applicants assured the Council that employees of the establishment will be educated in the laws pertaining to the unlawful sale of alcohol to anyone underage.

There being no further Council comment, it was moved by Councilor Schnack, seconded by Councilor Kelly to grant the Class A license transfer of Jean Page Inc., dba: Page's Liquors to Varsha, Inc. dba: Jamestown Wine & Spirits duly advertised in the Jamestown Press, upon the resolution of debts, taxes, State Department of Health Certificate, State Business and Taxation Departments, Town and State Certificate of Good Standing and other appropriate signatures. So unanimously voted.

- a) Victualing License Transfer application from Jean Page, Inc., dba: Page's Liquors to Varsha, Inc., dba: Jamestown Wine & Spirits; if favorable, motion to grant

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to grant the transfer of a Victualing License from Jean Page, Inc., dba: Page's Liquors to Varsha, Inc., dba: Jamestown Wine & Spirits. So unanimously voted.

- b) Holiday License Transfer application from Jean Page, Inc., dba: Page's Liquors to Varsha, Inc., dba: Jamestown Wine & Spirits; if favorably, motion to grant

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to grant the transfer of a Holiday License from Jean Page, Inc., dba: Page's Liquors to Varsha, Inc., dba: Jamestown Wine & Spirits. So unanimously voted.

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 # 2 and 7(b) (iii) be removed from the consent agenda. It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the consent agenda as amended. So unanimously voted.

- 1) Adoption of Council minutes:
 - a) March 13, 2006
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Substance Abuse Prevention Task Force (03/13/2006)
 - b) Conservation Commission (02/13/2006)
 - c) Jamestown Housing Authority (12/19/2005, 01/11/2006, 02/08/2006)
 - d) Library Board of Trustees (02/07/2006)
 - e) Harbor Management Committee (03/08/2006)
- 4) State Planning Council notice re: public work sessions and public hearings
- 5) RIDEM notice re: project priority list requests for state fiscal year 2007
- 6) Rhode Island Housing & Mortgage Finance Corp. re: rental survey
- 7) Resolutions/Proclamation from other Cities and Towns
 - a) Town of Gloucester re: Senate Bill S2079 (Low & Moderate Income Housing) and Senate Bill 2006 S 2135 (An Act Relating to Education)
 - b) Town of Burrillville re:
 - i) Resolution supporting legislation requiring utilities to pay for relocation of infrastructure
 - ii) Resolution in support of Amendments to § 16-7-44 school housing project costs
 - iii)
- 8) Newport County Community Mental Health Center re: funds request
- 9) Tax Assessor's Abatements/Addenda

2) Bills and Payroll

Councilor Schnack inquired if there has been any review of the health care providers for the Town employees. The Town Administrator noted that he will be attending a United Health seminar in order to compare benefits presently offered by Blue Cross.

Councilor Kelly mentioned that included in the payment for waste removal was a \$15,000.00 grant received by the Public Works Department.

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept Bills and Payroll. So unanimously voted.

- 7) Resolutions/Proclamation from other Cities and Towns
 - b) Town of Burrillville re:
 - iii) Resolution supporting legislation requiring utilities to pay Senate Bill 2006 S 2049 an act relating to State affairs and government – DEM – elimination of MTBE as a gasoline additive

Councilor DiGiando noted that the resolution from the Burrillville Town Council requests support for Senate Bill 2006 – S2049 which is seeking the elimination of MTBE as a gasoline additive. Councilor DiGiando requested that the Council petition the State

Legislature and the Department of Environmental Management to support this legislation.

It was moved by Councilor Kelly, seconded by Councilor Schnack to forward a resolution from the Jamestown Town Council in support for Senate Bill 2006 – S2049 eliminating methyl tertiary butyl ether (MTBE) as a gasoline additive to Senator Paiva-Weed, Representative Long and Michael Sullivan, Director of RIDEM. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the resolution from the Town of Burrillville. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Councilor DiGiando announced that there would be an executive session later in the evening pursuant to RIGL 42-46-5(a) (5) to discuss real estate acquisition.

- 1) ~~Pursuant to RIGL 42-46-5(a) (2) potential litigation~~
- 2) Pursuant to RIGL 42-46-5(a) (5) real estate acquisition

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

- 1) Town Administrator report (verbal)

Well Test Results

The Town Administrator informed the Council that the retesting of the four wells at both the raw water level before treatment and at the tap, on property in the area of the former landfill, showed no detection of cobalt. Mr. Keiser explained that when the first well testing was completed there was a data entry error at the laboratory, which resulted in the reporting high levels of contaminants.

The Council expressed their concern that the project manager did not immediately detect the probability of an error. There was a discussion on the need for GZA GeoEnvironmental to use an outside laboratory for any further testing. The Town Administrator reported that billing for the inaccurate data has been credited.

It was the consensus of the Council that the laboratory testing practices of GZA GeoEnvironmental be put on the Council agenda for the April 10, 2006 Council meeting.

December 2005 Environmental Monitoring Report of the Former Landfill

The Town Administrator reported that the quarterly report shows no accidents of Federal Safe Drinking Water Standards. The tentative conclusion is that there are seasonal variations due to changes in the groundwater levels; however, they are not significant at this time. The landfill gas survey showed only one detection in SG2; however, that detection did not exceed the threshold established by RIDEM.

Water Tank Installation

The Town Administrator reported that there will be a groundbreaking ceremony for the new water tank on Monday at 9:00 AM.

Bridge Demolition

Councilor Kelly stated that the School Superintendent has expressed concerns regarding the dates and times scheduled for the closing of the Jamestown Bridge because it could interfere with the transportation of school children to and from North Kingstown. Councilor Kelly requested that the State be encouraged to reschedule the demolition to a weekend date.

The Town Administrator informed the Council that RIDOT would be holding a work session on Wednesday at 10:00 AM at which time any issues of concern can be discussed.

Newport County Community Mental Health Center

Councilor DiGiando asked for additional information regarding the request by Newport County Community Mental Health Center for an increase in funding from Jamestown. The Town Administrator stated that he would look into the request and report back to the Council.

PUBLIC HEARING

- 1) An Ordinance Amending Chapter 22, Article V - Agriculture, Notification to Farmers of the Code of Ordinance of the Town of Jamestown

Councilor DiGiando opened the public hearing at 7:30 PM and invited public comment on the ordinance amending Chapter 22, Article V entitled “Agriculture, Notification to Farmers”.

There being no further comment the public portion of the hearing was closed at 7:35 PM.

It was moved by Councilor Schnack, seconded by Councilor Kelly to adopt the ordinance as presented amending Chapter 22, Article V – Agriculture, Notification to Farmers. So unanimously voted.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) GZA GeoEnvironmental, Inc. re: December 2005 environmental report
It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the GZA GeoEnvironmental, Inc December 2005 report as correspondence. So unanimously voted.

- 2) Letter from Sav Rebecchi re: Conservation Commission Chair

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the letter from Sav Rebecchi. So unanimously voted.

- 3) Letter from Karen A. Moulay, International Brotherhood of Police Officers Local 305 re: two (2) grievances

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the letter from Karen A. Moulay. So unanimously voted.

- 4) Letter from George Warner, Beavertail Lighthouse Museum Assoc. President re: lease agreement

The Town Administrator reported that an advertisement for the Beavertail Lighthouse caretaker position. Mr. Keiser recommended that until a caretaker is selected, the current caretaker be allowed to remain in that position on a month to month basis.

It was the consensus of the council that the lease for the Beavertail Lighthouse caretaker be put on the April 10, 2006 Council agenda for further discussion.

- 5) Letter from Donald Forest re: Open Meetings Act

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Donald Forest. 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:
 - Bay Voyage, 150 Conanicus Avenue
 - Ace's Pizza, 1 Clarke Street

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Holiday License applications for the Bay Voyage and Ace's Pizza. So unanimously voted.

- 2) Exhibition/Event License:
 - a) Request to hold the annual Save the Bay Swim on Saturday, July 29, 2006 (fog date: 07/30/2006) from 7:00 am to noon at Potter's Cove/Taylor Point beach (insurance provided)

The Council discussed the need to assess the costs to the Town for events such as Save the Bay Swim. Councilor Schnack reported that he has been working with the Town Administrator to set a rate schedule and Special Events policy. It is expected that the procedure will be complete in the near future.

Kim Crawley, Event Coordinator from Save the Bay Swim asked that the policy be forwarded to her so that they will have it for next year's event.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Event License for Save the Bay Swim for Saturday, July 29, 2006, fog date July 30,

2006, from 7:00 AM to 12:00 Noon at Potter's Cove/Taylor Point beach. So unanimously voted.

- 3) Fort Getty Pavilion
 - a) Request to waive a \$200.00 Ft. Getty Pavilion rental fee for the North Kingstown High School Football team to hold an annual picnic on August 25, 2006 from 1:00 – 8:00 pm (request also to waive insurance certificate; alcohol will not be served nor provided)

The Council discussed the request by the North Kingstown High School Football team to waive insurance. The Town Administrator reported that the Town would be covered by the Interlocal Trust and that the Council could waive the insurance requirement without putting the Town at risk.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to grant the request to waive the fee and insurance certificate as requested by the North Kingstown High School Football team. So unanimously voted.

- 4) One Day Entertainment License
 - a) Request to have a band play at a wedding held by Erin Dobson at the Fort Getty Pavilion on July 29, 2006 from 10:00 am to 10:00 pm; insurance provided

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to grant the One Day Entertainment License to Erin Dobson for a wedding to be held on July 29, 2006 from 10:00 AM to 10:00 PM at the Fort Getty pavilion. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to move the summary of the 50% landfill closure design up on the agenda.

New Business

- 2) Summary of 50% Landfill Closure Design

Councilor DiGiando stated that the 50% landfill closure design has been forwarded to the regulating agency, RIDEM, for their approval and comments. It is expected that once those comments are received, the Council will be better able to respond to the public's questions.

OPEN FORUM

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

Representative Long was not in attendance.

- b) Donald Forest re: Open Meetings Act

Mr. Forest asked for clarification on the Open Meetings Act in regards to Open Forum and suggested that one, a representative from the Attorney General's office be invited to a Council meeting to explain open forum, and two, that the Town Solicitor give a written explanation as to what can and cannot be done in open forum.

2) Non-scheduled request to address

Sav Rebecchi, Sail Street, handed out an email from the Conservation Commission Chair to Chris Walusiak and questioned if Mr. Powell had the authority to send such an email without first having it on the Conservation Commission agenda for discussion and a vote of the current Conservation Commission members. Mr. Rebecchi addressed the section of the Jamestown Charter which indicates that the Chair of any Commission shall have neither fewer nor greater powers or authorities than any other member.

Norma Willis, North Main Road, commented that she was concerned that it took more than a month after the first testing of wells for residents to be informed that there was an error in the results. In addition, Ms. Willis handed out an estimate presented to the Council by the former Town Administrator Mark Haddad in April 2005 which estimated the total project cost for the highway facility at \$1,090,000.00. Ms. Willis presented additional costs that were not included in the estimate.

Rosemary Woodside, Skysail Court, asked that the wells be retested using another laboratory. In addition, Ms. Woodside suggested that the Council consider having a passive soil analysis done at the former landfill prior to disturbing the site.

Ellen Winsor, East Shore Road, informed the Council that the North End Concerned Citizens Group is petitioning the United States Environmental Protection Agency to have Jamestown designated as a Sole Source Aquifer.

Frank Jullian, Columbia Lane, suggested that the Council distribute the report from RIDEM as soon as it is available. In addition, Mr. Jullian suggested that if there is any risk with siting the highway facility at the former landfill that it be put somewhere else.

Donald Forest, Summit Avenue, suggested that the highway facility be sited at a different location if there is any risk to abutting property owners.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS (cont. from 03/13/2006)

1) Jamestown Shores environmental health concerns; well pollution

The Town Administrator informed the Council that he has been working with Department Directors and RIDEM to answer Council questions regarding the number of substandard lots in the Jamestown Shores and the number of variances allowed in the Jamestown Shores area.

2) Management of deer on Jamestown

- a) Sharp shooters and costs associated with using State Police sharp shooters

- b) Deer hunt on Nantucket, MA; article for discussion

Councilor Szepatowski requested that the discussion regarding the costs associated with using sharp shooters to manage the deer herd on Jamestown be continued to the April 10, 2006 Council meeting.

NEW BUSINESS

- 1) Memorandum from the Town Planner re: use of a local consultant for furniture for the new Town Hall in an amount not to exceed \$6,000.00

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve the request to hire a local consultant to identify the furniture needs for the new town hall in an amount not to exceed \$6,000.00. So unanimously voted.

- 2) Summary of 50% Landfill Closure Design
Previously discussed.

- 3) Letter from RIDEM re: Jamestown WWTF Compliance Evaluation
Inspection, January 2006

Councilor Schnack noted that it is important when receiving reports from the Director of Public Works that the Council be informed of all violations and exceedances at the wastewater treatment facility.

It was the consensus of the Council to continue the discussion regarding the WWTF Compliance Evaluation Inspection to the Board of Water and Sewer Commissioners on April 17, 2006.

- 4) Letter from the RI Department of Administration re: application for
eligibility to receive Federal/State surplus property

The Town Administrator reported that it is standard procedure for the Town to apply to receive Federal/State surplus property. The application must be signed by the Town Council President. It was the consensus of the Council to forward the application to the Town Council President for signature.

EXECUTIVE SESSION

It was moved by Councilor DiGiando, seconded by Councilor Schnack to enter into executive session at 8:35 PM pursuant to RIGL 42-46-5(a) (5) to discuss real estate acquisition.

The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

The Council returned from executive session at 10:00 PM. It was moved by Councilor Schnack, seconded by Councilor Kelly to seal the minutes to the public. The vote was 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 Kelly to adjourn the meeting at 10:02 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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