

TOWN COUNCIL MEETING

April 10, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:05 PM by Council President David J. Long. The following members were present:

Julio J. DiGiando, Vice President
William A. Kelly
Barbara A. Szepatowski, arrived at 7:07
Michael Schnack

also present:

Bruce R. Keiser Town Administrator
Arlene D. Petit, Town Clerk
Carolyn Mannis, Assistant Town Solicitor
Lisa Bryer, Town Planner
Steven Goslee, Public Works Director
Douglas Ouellette, Supervisor of the Jamestown Wastewater Treatment Facility

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Proclamation 06-008P re: Recognition of Steven Goslee, Public Works Director and Douglas Ouellette, Supervisor of the Jamestown Wastewater Treatment Facility

On behalf of the Jamestown Town Council, Council President Long, presented Proclamation No. 06-008 to Steven Goslee, Public Works Director and Douglas Ouellette, Supervisor of the Jamestown Wastewater Treatment Facility for the honor they received from the Atlantic States Rural Water and Wastewater Association in recognition of their ongoing commitment to water quality and proactive work in water conservation, and for their continued dedication to the protection of the health, safety and welfare of the Jamestown community.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to adopt Proclamation 06-008 honoring Steven Goslee and Douglas Ouellette. So unanimously voted.

Representative Bruce Long presented Mr. Goslee and Mr. Ouellette with House and Senate recognition awards.

COUNCIL SITTING AS ALCOHOL 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 # 2 and 6 (b) be removed from the consent agenda. It was moved by Councilor DiGiando, seconded by Council President Long to accept the consent agenda as amended. So unanimously voted. The consent agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) March 14, 2006 budget work session
 - b) March 21, 2006 budget work session
 - c) March 23, 2006 budget work session
 - d) March 27, 2006 Council meeting
 - e) March 27, 2006 executive session
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (02/28/2006)
 - b) Planning Commission (02/15/2006, 03/01/2006)
 - c) Board of Canvassers (02/07/2006)
- 4) CRMC Notice re: April 2006 Calendar
- 5) Resolutions/Proclamation from other Cities and Towns
 - a) Town of Gloucester re: resolution supporting a statewide boycott on all Exxon Mobil Corporation's petroleum-based products
 - b) Town of South Kingstown re: Pension Resolution
 - c) Town of Richmond re:
 - i) Resolution supporting Senate Bill 2006 – S2029 an Act Relating to Public Utilities – Excavation Near Underground Utility facilities - Costs
 - ii) Resolution supporting House Bill 2006 – H6806 an Act Relating to Education – Foundation Level School Support
 - iii) Resolution supporting Senate Bill 2006 S 2049 an act relating to State affairs and government – DEM – elimination of MTBE as a gasoline additive
- 6) Zoning Board of Review Abutter notification:
 - a) Application of Conanicut Yacht Club, whose property is located at 40 Bayview Dr., and further identified as Tax Assessor's Plat 8, Lot 267 for a variance from Article 3, Section 82-302 (Side yard requirements) to allow the construction of an addition to an existing building, which will be 5' from the northerly property line instead of the required 20'. Said property is located in a R40 zone and contains 37,070+ sq. ft.
 - b)
- 7) Tax Assessor's Abatements/Addenda

2) Bills and Payroll

Councilor Kelly asked about the billing from Municipal Code Corporation in the amount of \$1,595.67 listed under Clerk & Records. The Town Clerk responded that this was the cost for supplement #9 to the Jamestown Code of Ordinance.

Councilor Kelly also requested additional information regarding the Fire Protection radio recorder in the amount of \$8,000.00. The Town Administrator informed the Council that this purchase was planned for at a future date; however, there was a surplus in the Fire Protection account which allowed for the purchase of radio recorder equipment.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the bills and payroll. So unanimously voted.

- 6) Zoning Board of Review Abutter notification:
 - b) Application of Patrick Kilroy, whose property is located on Conanicus Ave., and further identified as Tax Assessor's Plat 9, Lot 352 for a variance from Article 82, Section 302 to build a single family residence and provide a front yard set back of 9' (30' required) and a rear yard set back of 9' from the coastal feature (30' required). Said property is located in a R40 zone and contains 6,370 sq. ft.

Councilor Schnack inquired as to whether or not the Council wished to make comment to the Zoning Board of Review regarding the application of Patrick Kilroy. The Town Solicitor advised the Council that it would be necessary to inform the applicants that their application would be on a Council agenda for consideration prior to any Council action.

It was moved by Councilor Schnack, seconded by Council President Long to accept the abutter notification from the Zoning Board of Review regarding Patrick Kilroy. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Long announced that the Council would be meeting in executive session at the end of the meeting to discuss personnel, pursuant to RIGL 42-46-5 (a) (1), real estate acquisition pursuant to RIGL 42-46-5 (a) (5) and to discuss the investment of public funds pursuant to RIGL 42-46-5 (a) (7).

- 1) Pursuant to RIGL 42-46-5(a) (1) personnel
- 2) Pursuant to RIGL 42-46-5(a) (5) real estate acquisition
- 3) Pursuant to RIGL 42-46-5(a) (7) investment of public funds

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

- 1) Town Administrator report (verbal)
- The following items were reported to the Council:

Landfill Closure - 50% Design Plan

The Town Administrator reported that comments from RIDEM on the 50% Design Plan for the former landfill are expected by the end of April to mid-May.

Jamestown Shores environmental health concerns; well pollution

The Town Administrator reported that of the 58 new dwellings, or approximately 10 per year, that have been constructed in the last six years in the Jamestown Shores, 24 of those (41%,) required ISDS variances. Mr. Keiser noted that he is in the process of contacting RIDEM for a detail of those variances. In addition, Mr. Keiser reported that there are approximately 230 vacant lots in the area; of those 230 lots, 120 may be considered non-buildable. Mr. Keiser noted that he will have a comprehensive report regarding concerns in the Jamestown Shores for the Council in the near future.

Hull Cove Right-of-Way

The Town Administrator informed the Council that Patrick Bolger has an estimate for the improvement to the walkway at the Hull Cove Right-of-Way. Mr. Bolger has solicited support from the Harbor Commission for expenditure in the amount of \$10,000 to improve the access. The Harbor Commission was not in agreement with the use of retained earnings for the building of a walkway to the right-of-way; however, they did indicate they would support \$5,000 to be used for maintenance, with the remaining funds raised from outside sources.

The Council discussed the possibility of State grant funding. Christopher Powell, Conservation Commission Chair noted that there is a State grant available in the amount of \$1,800. It was the consensus of the Council to continue discussion on the Hull Cove Right-of-Way to the April 24, 2006 Council meeting.

Narragansett Avenue Waterline Project

The Narragansett Avenue waterline project will begin the week of April 17 and it is expected to continue until the end of June. The Public Works Director will be holding a meeting on Thursday at 8:00 am with business and community members to discuss the project.

Water Tank

Work will begin on the construction of the new water tank next week. It is expected to have a completion date of October.

Teen Program

Newport County Fund is providing funds to cover additional hours this year for the Teen Coordinator. This will not require any additional funding from the Town.

Bikeway Program

The Town Administrator will provide information regarding the Bikeway Program at the April 24, 2006 Council meeting.

2006-2007 Town Budget

The Town Administrator will present the proposed budget to the Council at the April 24, 2006 Council meeting.

PUBLIC HEARING

- 1) Proposed Ordinance amendment 82-17 Comprehensive Permit for Low and Moderate Income Housing

The public hearing for the proposed ordinance amending 82-17 Comprehensive Permit for Low and Moderate Income Housing was opened by Council President Long at 7:30 PM.

The Town Planner stated that the Council adopted a Comprehensive Permit Ordinance in October 2003, which set a process for the Town to administer comprehensive permits to allow affordable housing. Since that time, the State has changed the law to grant the Planning Commission the authority to consider comprehensive permit applications from for-profit developers. The proposed ordinance also addresses the application fee and a limit on applications to an aggregate of one percent of the total number of year-round housing units in the Town.

In answer to a question by Councilor Schnack, Ms. Bryer stated that although the Planning Commission is the permitting authority, they would, if necessary, have the ability to request recommendations from the Zoning Board of Review or the Board of Water and Sewer Commissioners.

Council President Long invited public comment.

Sav Rebecchi, Sail Street, inquired if it would be necessary to change the Affordable Housing Plan.

The Town Planner stated that this ordinance does not impact the Affordable Housing Plan. It sets up the process for the comprehensive permit, which is one of the tools that is used to enable affordable housing to occur.

It was moved by Councilor Kelly, seconded by Councilor Schnack to close the public hearing at 7:35 PM.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to adopt the ordinance amendment 82-17 entitled Comprehensive Permit for Low and Moderate Income Housing as presented. So unanimously voted.

ORDINANCES AND RESOLUTIONS

- 1) Proclamation 06-006P re: Arbor Day

It was moved by Councilor Kelly, seconded by Councilor Schnack to adopt Proclamation 06-006, observing April 28, 2006 as Arbor Day in the Town of Jamestown. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Letter from George Warner, President of the Beavertail Lighthouse Museum Association, re: permission to undertake two or three exploratory excavations

It was moved by Councilor DiGiando, seconded by Councilor Schnack to instruct the Town Administrator to sign the letter, on behalf of the Jamestown Town Council, to the United

States Coast Guard for permission for the Beavertail Lighthouse Museum Association to undertake exploratory archaeological excavations at the lighthouse, as requested by the Beavertail Lighthouse Museum Association. So unanimously voted.

2) Letter from Town Solicitor Parks re: Open Meetings Act – Open Forum
It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from the Town Solicitor. So unanimously voted.

The Council discussed the need to inform the public about the procedure for open forum. It was suggested that the Town Solicitor's letter be sent to the Jamestown Press for publication.

3) Letter from Stephen Elmasian of the Armenian National Committee of RI re: request to fly Armenian Flag on April 24th
a) Administrative Policy: Town Hall Flag
It was moved by Councilor DiGiando, seconded by Council President Long to accept the communication from the Armenian National Committee of RI. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Council President Long to accept the Town Hall Flag Policy. 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) Fort Getty Pavilion
a) Request to waive a \$200.00 Ft. Getty Pavilion rental fee for Maureen Dunn Packer dba: Ali's on June 4, 2006
It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the waiver of Ft. Getty Pavilion rental fee of \$200.00 for the Ali Dunn Packer Memorial Road Race on June 4, 2006. So unanimously voted.

There was Council discussion on the waiving of the \$50.00 maintenance fee. It was the consensus of the Council that maintenance fees should be paid to ensure that the facility is left in good condition.

2) One Day Entertainment License
a) Request to have a DJ for Maureen Dunn Packer dba: Ali's on June 4, 2006 at the Fort Getty Pavilion on June 4, 2006 from 10:00 am to 10:00 pm and waive the \$5.00 application fee; insurance previously provided with exhibition license
It was moved by Councilor DiGiando, seconded by Council President Long to approve the One-Day Entertainment License for the Ali Dunn Packer Memorial Road Race on June 4, 2006 and to waive the \$5.00 fee. So unanimously voted.

OPEN FORUM

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

Representative Long provided the Council with a verbal legislative update.

2) Non-scheduled request to address Christopher Powell, Mt. Hope Avenue, announced that Saturday, April 22, 2006 is Earth Day.

Richard Anderson, West Reach Drive, asked what the charge is for an associate member of the Conservation Commission.

Christopher Powell stated that when he mentioned an associate member he was referring to a non-voting, non-appointed person that was volunteering their services to the Conservation Commission.

Ellen Winsor, East Shore Road, asked for clarification on the Open Meeting Law.

The Town Solicitor reiterated the Open Meeting Law as submitted by Town Solicitor Parks.

Charlotte Zarlengo, Seaside Drive, asked the Council to consider issuing stickers for parking at Head's Beach. In addition, Ms. Zarlengo asked to be informed on the Court action regarding the Ferry Street property. Ms. Zarlengo suggested that the \$375,000 in Water Resource Funds be used to purchase lots in the Jamestown Shores.

Norma Willis, North Main Road, requested clarification on the Open Meeting Law.

Donald Forest, Summit Avenue, suggested that a representative from the Attorney General's office attend a Council meeting to explain the Open Meeting Law as it related to Open Forum.

Richard Smith, North Main Road, requested that the Town seek designation as a Sole Source Aquifer.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS (cont. from 03/27/2006)

- 1) GZA GeoEnvironmental, Inc.
 - a) Laboratory testing practices

The Town Administrator informed the Council that due to the error in the testing results presented by GZA GeoEnvironmental, the engineering firm will no longer use their laboratory for testing. GZA is now in the process of considering other laboratories; one of which is RI Analytical.

Councilor Szepatowski requested that prior to GZA making a decision on which laboratory to use, the Council be provided with the costs and qualifications for the laboratories under consideration. In addition Councilor Szepatowski stated that she would expect a personal

visit from GZA to explain how this testing error occurred and to answer questions on the time lapse in reporting the error.

The Town Administrator reported that he spoke with Robert Vanderslice, PhD, RI Department of Health, who informed him that a three-week turnaround for test results would be considered consistent with standard practices.

The Council further discussed the error made by GZA, and although they were very concerned with the incident, the consensus was that it would be in the best interest of the Town to use an outside laboratory.

Councilor Kelly stated that he would expect no additional costs to the Town for the use of a different laboratory.

- 2) Beavertail Lighthouse Caretaker
 - a) Lease agreement

The Town Administrator reported that the Beavertail Lighthouse Museum Association has requested that the Council allow the present tenant to continue leasing on a month to month or six month basis in order to continue the work being done on the facility. In addition, Mr. Keiser reported that there was a delay in the advertising for the position of lighthouse caretaker,

There was Council discussion on whether there needed to be an extension on the lease, and if so, the length of extension to be issued. In addition, the Council discussed the selection process for a lessee.

It was the consensus of the Council that the lease would be extended month to month with a minimum 45 day termination notice to tenant. It was the consensus of the Council that the Town Administrator and Public Works Director would interview candidates and make a recommendation to the Council on a lighthouse caretaker.

- 3) Deer management on Jamestown
 - a) Sharp shooters
 - b) Deer hunt on Nantucket Island, MA

Councilor Szepatowski explained how the sharp shooter program could be arranged to assist the Town in the management of the overpopulation of deer.

It was the consensus of the Council to impose the recommendations of the Wildlife Committee as adopted by the Council in March prior to taking any further action.

NEW BUSINESS

- 1) Policy for dealing with criticism, accusations of employees, boards, commissions and committee members (*per Councilor Kelly*)

The Town Solicitor advised that the intent of the Open Meeting Law is to protect employees from having their job performance discussed in public. A performance of an appointed committee member is not job related, but is the role of an appointed official, and as such, it

was in her opinion, not necessarily subject to that particular portion of the Open Meeting Law.

- 2) Bridge demolition meeting with the RIDOT and Jamestown School Superintendent (*per Councilor Kelly*)

Councilor Kelly reported that RIDOT would, if necessary, fund extra buses for the students traveling over the Jamestown Bridge. Because the date has been changed to April 18, which is school vacation, it will not interfere with transportation of school children.

- 3) Transfer Station and Beach stickers (*per Councilor Kelly*)

Councilor Kelly expressed concern regarding the need for separate stickers for the transfer station and the beach. The Town Administrator stated that presently the sale of beach stickers begins in May; while the transfer station stickers are sold for the year in July; therefore, it has been necessary to have the two stickers.

There was discussion on the possibility of beach stickers for Head's Beach. The Town Administrator would review this at another time.

- 4) Police Bullet Proof Vests (*information from Councilor Kelly*)

Councilor Kelly noted that as a point of information, the bullet proof vests that the Jamestown Police presently have and ones being purchased are in compliance with the required specifications.

- 5) Town submission to RIDEM Priority Points Program for water quality projects. Request motion to endorse Town application for funding for Landfill Closure/Remediation and Salt Storage Shed projects

It was moved by Councilor Kelly, seconded by Council President Long to instruct the Town Administrator to submit application to RIDEM Priority Points Program for funding for the landfill closure/remediation and salt storage shed projects. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor DiGiando, seconded by Councilor Schnack to enter into executive session at 9:03 PM, pursuant to RIGL 42-46-5(a) (1) personnel, pursuant to RIGL 42-46-5(a) (5) real estate acquisition, and pursuant to RIGL 42-46-5(a) (7) investment of public funds. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon return at 9:45 PM from executive session, it was moved by Councilor DiGiando, seconded by Councilor Schnack to seal the minutes from the public. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to instruct the Town Planner to proceed in exploring the costs to construct the new town hall. So unanimously voted.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to remove the request to discuss a personnel issue in executive session from the agenda; based on the advice of the Town Solicitor, there was no discussion. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Council President Long to instruct the Town Administrator to discuss real estate acquisition with various department directors. So unanimously voted.

There being no further business before the Council, it was moved by Councilor DiGiando, seconded by Council President Long to adjourn the meeting at 9:50 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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