

## TOWN COUNCIL MEETING

April 24, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 6:09 PM by Council Vice President Julio J. DiGiando.

The following members were present:

William A. Kelly, arrived at 6:40 PM

Barbara A. Szepatowski

Michael Schnack

absent: David J. Long

also present:

Bruce R. Keiser Town Administrator

Arlene D. Petit, Town Clerk

A. Lauriston Parks, Town Solicitor, left at 7:00 PM

J. William W. Harsch, Town Solicitor

6:00 PM Executive Session (Phase I)

- 1) Pursuant to RIGL 42-46-5 (a) (2) litigation

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to enter into executive session at 6:10 PM, pursuant to RIGL 42-46-5(a) (2) to discuss litigation. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

Upon return to open session at 6:55 PM, it was moved by Councilor Schnack, seconded by Councilor Kelly to seal the minutes from the public. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to direct the Town Administrator and Town Solicitor to follow-up on the instructions of the Council as discussed in executive session. So unanimously voted.

### AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Proclamation 06-009 re: Jamestown Teacher Appreciation Week: May 8<sup>th</sup> through 14<sup>th</sup>

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt Proclamation 06-009 designating May 8 through May 14, 2006 as Teacher Appreciation Week in the Town of Jamestown. So unanimously voted.

Councilor Schnack read the proclamation and presented it to Catherine Kaiser, School Committee Chair.

## **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 moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the consent agenda. So unanimously voted. The consent agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) April 10, 2006 Council meeting
  - b) April 10, 2006 Executive session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Planning Commission (03/15/2006)
  - b) Harbor Management Commission (02/08/2006, 03/08/2006)
    - i) Budget sub-committee (12/21/2005)
    - ii) Facilities sub-committee (02/14/2006)
- 4) Resolutions/Proclamation from other Cities and Towns
  - a) Town of Glocester re: resolution opposing House Bill #7280 “An Act Relating to Statutes and Statutory Construction – Publication and Distribution of Acts”
  - b) City of East Providence re: resolution #25 opposing the transfer of the Dr. George B. Haines Memorial Park from the State of Rhode Island to the Town of Barrington
  - c) Town of Charlestown re:
    - i) Senate Bill S2079 – Low and Moderate Income Housing
    - ii) Senate Bill S2049 – Elimination of MTBE as a gasoline additive
    - iii) House Bill H6806 Foundation Level School Support
  - d) Town of Westerly re: resolution in support of Senate Bill S2049 – Elimination of MTBE as a gasoline additive
- 5) Notice from RI League of Cities and Towns re: draft resolution supporting HousingWorks RI
- 6) CRMC Publication, Coastal Features

### **EXECUTIVE SESSION ANNOUNCEMENT (Phase II)**

1) Pursuant to RIGL 42-46-5(a) (7) investment of public funds  
Councilor DiGiando announced that there would be no need for an executive session as noted on the agenda under Phase II.

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

- 1) Town Administrator report; items to be added as needed (verbal); the following items may require action by the Council:

- a) Narragansett Avenue waterline installation

The Town Administrator reported that following a meeting with local merchants and the contractor for the waterline installation, the project will proceed on Mondays through Thursdays with a ten hour schedule in an attempt to cause the least inconvenience to the business district. The project is expected to be completed in mid-May.

It was also reported that due to a waterline break, the water in the business district was shut off as an emergency measure for fifteen minutes. Councilor Szepatowski stated that the merchants should have been notified that the water was being shut off because of the immediate impact to such businesses as the beauty salon, restaurants, and dentist.

- b) Joint work session High Groundwater Ordinance

It was the consensus of the Council to schedule a joint work session regarding the High Groundwater Ordinance with the Zoning Board of Review, Planning Commission, and Town Council for Thursday, May 11, 2006.

- c) Landfill closure

The Town Administrator informed the Council that he expects a report regarding the former landfill closure from RIDEM within the next two to three weeks.

- d) Ballfields maintenance

The Town Administrator reported that although there was a delay in the work to prepare the baseball fields due to a failure in communication; however, all work is expected to be completed within two weeks. The following was presented as the schedule:

4/29/2006	Green-up Day
Within two weeks	Fencing Repairs to be completed
Fall of 2006	Turf maintenance

The Town Administrator also noted that plans for the irrigation of the fields through filtered effluent are progressing.

Councilor Szepatowski reported that the planned archaeological study would be delayed.

- e) Head's Beach parking request

The Council was informed that the request for parking at Head's Beach is on the April 25, 2006 agenda for the Traffic Commission.

- f) Jamestown Historical Society

The Town Administrator noted that he is conducting a preliminary discussion at the request of the Jamestown Historical Society regarding a long-term commitment from the Town, as the Historical Society would like to make some major repairs to the building at 92 Narragansett

Avenue. The Historical Society would like a 99 year term lease or the conveyance of the property to the Historical Society.

g) Downtown Parking – employees

A request for employee parking from the downtown merchants has been forwarded to the Traffic Commission.

h) Wildlife Habitat Incentive Program

The Conanicut Land Trust has been successful in their request for grant funding from the National Resource Conservation Service (NRCS) Funds under the Wildlife Habitat Incentive Program. The Land Trust will be receiving a total of \$40,000.00 to be used for habitat improvements to the Parker property and the Jamestown Golf Course. Staff members from NRCS will meet the Public Works Director, Town Administrator and Mr. Mistowski to discuss the improvements that would fit within the guidelines of the program.

i) Lyme disease education

The Town Administrator reported that Dr. Thomas Mather, Professor of Entomology, University of Rhode Island be invited to the May 8, 2006 Council meeting to give a thirty minute presentation on the protection and prevention of tick borne diseases.

j) Deer management

The Town Administrator stated that he has been in contact with Lori Gibson to discuss an increase in the number of deer tags for hunters in Jamestown. In addition, a public hearing is scheduled for May 8, 2006 for a proposed amendment to Section 38-111 of the Code of Ordinance entitled, “Use of rifled firearm while hunting” which would assist in the hunting of deer.

k) Beavertail Lighthouse lease

There have been thirteen applications for the Beavertail Lighthouse Keeper. The Town Planner will begin interviews. A recommendation is expected to be presented to the Council at the May 8, 2006 Council meeting.

Bird Flu

Plans are being made to hold an informational meeting regarding municipal response if there were a bird flu pandemic.

- 2) Notice from Town Clerk re: Public Hearing on May 8, 2008 for a proposed amendment to the Code of Ordinance Section 38-111 entitled “Use of rifled firearm while hunting”

No action taken.

**PUBLIC HEARING**

None

**ORDINANCES AND RESOLUTIONS**

None

## COMMUNICATIONS AND PETITIONS

- 1) Letter from Stephen P. Crawford, St. Mark Church Co-Chair re: installation of street lights on the west side of Grinnell Street

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the communication from Stephen P. Crawford, Co-Chair of St. Mark Church and to forward the request for street lights to the Public Works Director and Police Chief. So unanimously voted.

- 2) Letter from Anne Lane re: Lyme disease

It was moved by Councilor Szeptowski, seconded by Councilor Schnack to accept the letter from Anne Lane. So unanimously voted.

- 3) Copy of a letter to Ms. Lane from David Martin re: Opposition to deer hunt as a method to control Lyme disease; alternative methods

It was moved by Councilor Szeptowski, seconded by Councilor Schnack to accept the letter from David Martin. So unanimously voted.

- 4) Copy of a letter from Susan & Bob Wilkie to the Zoning Board of Review re: Opposition to the application for variance of Patrick Kilroy; property located on Conanicus Avenue; plat 9 lot 352

It was moved by Councilor Szeptowski, seconded by Councilor Kelly to accept the letter from Susan and Bob Wilkie. So unanimously voted.

- 5) Letter from David F. Bouchard re: Tax bill

It was moved by Councilor Szeptowski, seconded by Councilor Schnack to accept the letter from David F. Bouchard. So unanimously voted.

It was the consensus of the Council that the request by Mr. Bouchard be reviewed by the Town Administrator.

## 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 Application
  - a) Michael Houston dba: Michael Houston to sell gift shop items on holidays at Unit 6, 47 Conanicus Avenue

It was moved by Councilor Schnack, seconded by Councilor Szeptowski to approve the Holiday License for Michael Houston dba: Michael Houston to sell gift shop items on holidays at Unit 6, 47 Conanicus Avenue. So unanimously voted.

- 2) One Day Peddlers License
  - a) Jamestown Historical Society to sell printed items (cards and books) in front of the Jamestown Press on May 29, 2006 during the Memorial Day Parade. Applicant also requests to waive \$5.00 application fee and insurance certificate

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to approve the One Day Peddlers License for the Jamestown Historical Society to sell printed items (cards and books) in front of the Jamestown Press on May 29, 2006 during the Memorial Day Parade and to waive the \$5.00 license fee. So unanimously voted.

- b) Quononoquott Garden Club to sell plants and crafts near East Ferry Beach on May 20, 2006

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to approve the One Day Peddlers License for the Quononoquott Garden Club to sell plants and crafts near East Ferry Beach on May 20, 2006. So unanimously voted.

- c) Humane Society of Jamestown to sell cookbooks, calendars, tote bags, etc. in front of Bank of America on May 29, 2006 during the Memorial Day Parade. Applicant requests to waive \$5.00 application fee and insurance certificate

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Peddlers License for the Humane Society of Jamestown to sell cookbooks, calendars, tote bags, etc. in front of Bank of America on May 29, 2006 during the Memorial Day Parade and to waive the license fee. So unanimously voted.

### **OPEN FORUM**

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

Representative Long was not present.

- 2) Non-scheduled request to address

Charlotte Zarlengo, Seaside Drive, asked the Council to strengthen the High Groundwater Ordinance.

Norma Willis, North Main Road, made a statement regarding opposition to the change in use for lot 47 from residential to commercial and presented a drawing of the former landfill, including lot 47.

Carol Nelson-Lee, Buoy Street, requested that the bicycle route be expanded down North Road.

Dennis Webster, Mount Hope Avenue, requested that the bicycle route be extended down North Road into Town.

Phillip Zarlengo, North Main Road, asked if residents would be allowed to speak at the joint work session.

Sue Barker, Stanchion Street, requested that the bicycle route be extended down North Road.

### **APPOINTMENTS AND RESIGNATIONS**

None

## UNFINISHED BUSINESS

None

## NEW BUSINESS

- 1) Town Planner Report re: Conanicut Island Greenway Trail System – Phase I
  - a) Map of route
  - b) Letter from Rolling Agenda re: Request for a change to the route

The Council discussed the proposed route change as proposed by the Town Planner; that being, the route would continue along North Road, over the Creek up to Arnold Avenue, thereby providing a more direct bicycle/pedestrian connection between the major north end population base in the Jamestown Shores and the downtown area, including schools.

Councilor Kelly suggested the possibility of contacting the Federal Parks Commission of grant funding for the project.

It was moved by Councilor Schnack, seconded by Councilor Kelly to endorse the route change as proposed by the Town Planner. So unanimously voted.

- 2) Memorandum from the Deputy Public Works Director re: hazardous tree removal bids
  - a) Request to award bid to North-Eastern Tree Service, Inc. for an amount not to exceed \$7,960.00

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to award the bid for hazardous tree removal to North-Eastern Tree Service, Inc. for an amount not to exceed \$7,960.00. So unanimously voted.

- 3) FY 2006-2007 Operating Budget for Council approval

The Town Administrator stated that the proposed 2006/2007 Budget to be presented at the annual Financial Town Meeting on June 5, 2006 for the Town and School is \$18,987,027.00, an increase of \$1,338,859.00 or 7.59% budget increase over the 2005/2006 Budget. Due to the addition of revenue from outside sources the impact on the Town's property tax rate is 4.4%; the anticipated tax rate will be increased from \$9.09 to \$9.49 (an annual increase on a \$380,000.00 median range home of \$152.00).

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the 2006/2007 budget to be presented to the qualified voters at the Financial Town Meeting on June 5, 2006, as propose, in the amount of \$18,987,027.00. So unanimously voted.

- 4) Warning for Town Meeting

The Town Administrator reported to the Council that the Warning for the Financial Town Meeting includes a referendum for the construction of a new town hall for an amount not to exceed \$3,000,000.00. Mr. Keiser explained that the Town Planner and the architect will continue to explore ways in which to lower the cost of construction. It is expected that additional information will be supplied to the Council at the May 22, 2006 Council meeting.

It was moved by councilor Schnack, seconded by Councilor Kelly to approve the warning for the Financial Town Meeting to be held on June 5, 2006, as presented. So unanimously voted.

5) Hull Cove right-of-way re: use of Harbor funds for improvements to walkway  
The Council discussed the need for additional information and the question of whether or not Harbor funds can be used in this manner. The Council requested that the Town Solicitor provide a written opinion as to whether or not Harbor funds could be used for improvements to the walkway at the Hull Cove right-of-way. In addition the Council requested the following information be provided:

- cost of the project
- map of the project

- 6) Notification to the Town as an abutter from Mount Hope Engineering re: request for ISDS variance from RIDEM for Rosario Sciuto (plat 15 lot 287; Beacon Avenue)
- a) Copy of letter from the Town Clerk to RIDEM for extension of comment date to April 28, 2006
  - b) Copy of letter from the Town Clerk to Rosario Sciuto re: Council's consideration of request for an ISDS variance
  - c) Copy of memorandum from the Town Clerk to Commissions re: request for an ISDS variance

The following individuals were present:

Rosario Sciuto, property owner

Marcel Bretton, son-in-law

Mr. Bretton reviewed the plans for the property located on plat 15, lot 287. The system will be utilized to serve a proposed single family dwelling and will be utilized for sanitary sewage disposal to serve the property. Mr. Bretton stated that the variance is for the owners own well and would not adversely affect abutting property.

The Town Administrator commented that this application would also go before the Planning Commission and the Zoning Board of Review. At that time, abutters would need to forward their concerns.

The Town Solicitor informed the Council that the application for variance would also go before the Department of Health.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the notification and to forward the standard letter of concerns regarding the cumulative impact on the Jamestown Shores area to the Rhode Island Department of Environmental Management. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 8:35 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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