

# TOWN COUNCIL MEETING

May 22, 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

Michael Schnack

Barbara A. Szepatowski

also present:

Bruce R. Keiser Town Administrator

Arlene D. Petit, Town Clerk

J. William W. Harsch, Town Solicitor

Lisa W. Bryer, Town Planner

Matthew Bolles, Parks and Recreation Director

## AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Presentation by William Burgin, Architect re: New Town Hall

To bring the Council up-to-date on the status of the plans for the new town hall, Mr. Burgin presented several schematics representing the design, site placement and landscaping for the proposed town hall. Mr. Burgin informed the Council that a Request for Proposals has been advertised for the construction of the proposed town hall. There have been several builders that have picked up the specifications. The deadline has been set for June 16, with a prebid meeting on May 30, 2006.

Councilor Schnack inquired if it would be more cost effective to construct a modular unit to replace the present town hall portion rather than rehab the building. Mr. Burgin stated that in order to make that determination the contractor's bids and recommendations must be reviewed.

Mr. Burgin stated that the plans call for a full basement, with access by both elevator and stairway. The Jamestown Historical Society has submitted a request to use a portion of the basement as vault storage for artifacts. In addition, Mr. Burgin stated that the Town Planner has applied for a grant to fund the construction of an area in the basement for emergency management headquarters.

The Town Administrator noted that the sketches for the proposed town hall will be at the June 5<sup>th</sup> Financial Town Meeting. In addition, there will be information in the Jamestown Press on the proposal and the proposed tax impact on residents.

## COUNCIL SITTING AS ALCOHOLIC 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.*

## 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 number 2 and 6 be removed from the consent agenda. It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the consent agenda as amended. So unanimously voted. The consent agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) Regular meeting (05/08/2006)
  - b) Executive session (05/08/2006)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Jamestown Conservation Commission (04/11/2006)
  - b) Jamestown Harbor Commission (03/08/2006)
  - c) Library Board of Trustees (04/04/2006)
- 4) DEM Notices:
  - a) Insignificant Alteration – Permit re: Martha Harris, 209 Beacon Ave., Assessor's Plat 16, Lot 65; Application No. 06-0085
  - b) Announcement of availability of draft 2006 303 (d) list of impaired waters
- 5) Zoning Board of Review abutter notification
  - a) Greg Ferguson re: 65 Spanker Street, Assessor's Plat 15, Lot 35; application for exception or variation of Article 3, Table 3-2 District Dimensional Regulations; to construct an addition to a single-family home 22.5 feet from property line
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
  - a)
- 7) Department of Health
  - a) Rules and Regulations for Lead Poisoning Prevention (R23-24/6-PB) Draft
- 8) Weaver's Cove Energy "News" Winter 2006, Volume 6
- 9) Abatements/Addenda of Taxes

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### 2) Bills and Payroll

Councilor Kelly asked for additional information for the payment being made from account # 70310.312 to Jurek Brothers, Inc. in the amount of \$2,272.20. The Town Administrator stated that he would provide this information to the Council.

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

- 6) Proclamations & Resolutions from other Rhode Island cities and towns
    - a) City of Newport in support of the Housing Works RI Legislative Platform
- Council President Long noted that Housing Works RI has a request listed under new business for endorsement of their legislative platform.

It was moved by Councilor DiGiando, seconded by Council President Long to accept the Resolution from the City of Newport in support of Housing Works RI. 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 pending litigation, pursuant to RIGL 42-46-5 (a) (2), litigation and to discuss the acquisition of property pursuant to RIGL 42-46-5 (a) (5) real estate.

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation
- 2) Pursuant to RIGL 42-46-5 (a) (5) Real estate (potential acquisition of real estate)

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

- 1) Town Administrator's Report (verbal)

The Town Administrator reported on the following items:

#### Landfill Closure

The Town Administrator reported that he is expecting to receive the RIDEM report regarding the former landfill closure by Friday, May 26, 2006.

#### Baseball Field Maintenance

Due to weather delays, the fencing project is expected to be completed next week. In addition, William Patenaude, RIDEM Water Resources, is following up with the request from the Town to use effluent to irrigate the fields. It is expected that Mr. Patenaude will respond to the Town sometime in late summer. It was the consensus of the Council to send a letter to Mr. Patenaude explaining the importance of irrigating the fields in this manner.

#### Tick Awareness Day

Dr. Mather will conduct a site visit to Ann Lane's property in the Jamestown Shores to ensure that it will accommodate the seminar for "Tick Awareness Day" scheduled to be held on June 3, 2006.

- 2) Jamestown Conservation Commission – copy of memorandum to the Jamestown Zoning Board of Review

The Town Administrator informed the Council that report from the Conservation Commission refers to a vacant lot, for which the owners have not approached the Board of Water and Sewer Commissioners for any consideration. It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the memorandum from the Conservation Commission. So unanimously voted.

3) Jamestown Fire Department – list of officers

It was moved by Councilor DiGiando, seconded by Council President Long to accept the list of officers for the Jamestown Fire Department. So unanimously voted.

4) Town Clerk – November election day calendar

The Town Administrator noted that there is the possibility that the funding for the highway facility and landfill closure costs could be put on the November election ballot as local referendum.

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

5) Jamestown Wildlife Committee re: recommendations for continued efforts to prevent Lyme disease and establish public awareness program

The Council reviewed the recommendations from the Jamestown Wildlife Committee for continued efforts to prevent Lyme disease and to establish a public awareness program.

Christopher Savastano, Wildlife Committee Chair, requested funding to send out flyers through the publication of the Jamestown Press to inform residents on tick prevention strategies.

It was the consensus of the Council to instruct the Town Administrator to work with Mr. Savastano on ways in which the committee's recommendations can be accomplished and report back to the Council on June 12, 2006.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to include the request of the Jamestown Wildlife Committee on the June 12, 2006 Council meeting. So unanimously voted.

6) Jamestown Tree Preservation and Protection Committee re: request for replacement of two committee members

The Council discussed the proper procedure for committee members to be replaced for lack of attendance. The question arose whether or not it was proper for the Council to act on the request of the Chair of a committee or to have in place a procedure that is followed for all committees.

It was moved by Council President Long, seconded by Councilor Kelly to accept the letter from the Jamestown Tree Preservation and Protection Committee and to place it on the June 12, 2006 Council meeting agenda for further consideration. So unanimously voted.

## **PUBLIC HEARING**

### **ORDINANCES AND RESOLUTIONS**

### **COMMUNICATIONS AND PETITIONS**

- 1) Letter from Ben Gowrek, Outreach Coordinator, HousingWorks RI re: reintroduction of HousingWorks RI 2006 Policy Platform and request for support by a resolution from the Jamestown Town Council

Following the review of the letter from the Rhode Island League of Cities and Towns requesting endorsement of the HousingWorks RI 2006 platform and a discussion on the aforementioned platform, it was moved by Councilor Szepatowski, seconded by Council President Long to adopt a resolution urging passage of the legislative platform as presented. So unanimously voted.

- 2) Copy of letter from Norma Willis, Arbor Day Chair, Quononoquott Garden Club to Councilor Schnack for participation in Arbor Day Celebration

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter from Norma Willis, Arbor Day Chair. So unanimously voted.

### **LICENSES & PERMITS**

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- 1) **One Day Peddler License Application**

- a) JAMESTOWN MEDICAL FUND (Amended dates)  
May 27, 2006 (rain date: May 28, 2006)  
East Ferry

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the One Day Peddler License for the Jamestown Medical Fund for May 27, 2006 with a rain date of May 28, 2006 at East Ferry. So unanimously voted.

- b) ST. MATTHEW'S CHURCH  
July 15, 2006, 9:00 a.m. – 1:00 p.m.  
87 Narragansett Avenue

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the One Day Peddler License for St. Matthew's Church for July 15, 2006 from 9:00 a.m. to 1:00 p.m. at 87 Narragansett Avenue and to waive the fee. So unanimously voted.

- c) KAREN POTTER, dba: BELLA BASKETS  
May 29, 2006 8:00 a.m. – 5:00 p.m.  
St. Mark Church yard, 61 Narragansett Ave.

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve the One Day Peddler License for Karen Potter, dba: Bella Baskets for May 29, 2006 at 8:00 a.m. to 5:00 p.m. at St. Mark Church yard, 61 Narragansett Avenue. So unanimously voted.

- 2) **One Day Peddler and Entertainment License Application**

- a) CENTRAL BAPTIST CHURCH  
June Festival, June 24, 2006  
8:00 a.m. – 2:00 p.m.  
99 Narragansett Avenue and

Town Hall parking lot

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the One Day Peddler and Entertainment License for Central Baptist Church June Festival on June 24, 2006 at 8:00 a.m. to 2:00 p.m. at 99 Narragansett Avenue and the Town Hall parking lot. So unanimously voted.

3) **Event Application**

a) JAMESTOWN FIREWORKS COMMITTEE & TELSTAR  
DISPLAY FIREWORKS

July 4, 2006, 3:00 p.m. – 9:15 p.m.

Mackerel Cove Beach

Note: Indemnification/Hold Harmless Agreement signed by B.J. Whitehouse, Chairperson, Fireworks Committee is attached. We have not yet received the insurance certificate.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the request of the Fireworks Committee to hold the fireworks display on July 4, 2006 at Mackerel Cove Beach.

The Council discussed that on previous years, the fireworks display has been delayed due to weather conditions. In order to avoid any unnecessary delays in approvals due to weather, the council asked the Town Solicitor if it would be possible to allow the Town Administrator to approve any date change due to weather conditions. With an affirmative answer from the Town Solicitor, the motion was amended by Councilor Schnack, seconded by Councilor DiGiando to allow the Town Administrator to authorize any date change due to weather conditions. So unanimously voted.

The vote on the original motion to approve the request of the Fireworks Committee to hold the fireworks display on July 4, 2006 at Mackerel Cove Beach was unanimous.

### **OPEN FORUM**

1) Scheduled request to address

a) Representative Bruce J. Long re: legislative update

Representative Long presented a verbal legislative update.

2) Non-scheduled request to address

Ellen Winsor, East Shore Road, spoke in support of Representative Long's efforts on addressing the cumulative impact by variances permitted by RIDEM. Ms. Winsor mentioned that it may be more cost effective to use modular construction rather than to rehab the present town hall.

### **APPOINTMENTS AND RESIGNATIONS**

### **UNFINISHED BUSINESS**

### **NEW BUSINESS**

1) Teen Center / Animal Shelter (per Councilor Szepatowski)

Councilor Szepatowski asked the Council to consider allowing the Town garage at Southwest Avenue as a temporary teen center. Councilor Szepatowski stated that the teen center belongs at the Recreation Center; however, at the present time there is no room for it. Although the teens will continue to use the Senior Center for special events, they are not able to use it on a permanent basis due to the lack of storage and lack of kitchen facilities. The volunteer base has agreed to transfer their efforts to working on the building for the teens. The building would be in use from approximately 2:00 p.m. to 6:00 p.m. with adult supervision provided by Melissa Minto, Teen Coordinator; in addition, the Superintendent of Schools has committed a school employee for one day per week. Councilor Szepatowski noted that if this is approved, Paws and Claws will work as a non-profit in the adoption of animals. Councilor Szepatowski stated that, if approved, the temporary teen center will be no cost to the Town.

Matthew Bolles, Parks and Recreation Director supported the request and stated that the temporary teen center would enable the Town to serve the teens.

The Council was in agreement with the need for a safe place for the teens to meet; however, there was some concern with the impact to the neighboring property owners as well as disruption to the town office and the personnel.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to allow the garage to be used as a temporary teen center with the condition that it be re-evaluated within a year. So unanimously voted.

2) Weaver's Cove LNG Facility

a) Update to Council (per Town Solicitor)

The Town Solicitor updated the Council on the proposed LNG project at Weaver's Cove. Mr. Harsch reported that the City of Fall River and the Attorneys General of Rhode Island and Massachusetts have filed a joint request for rehearing of FERC's order denying the reopening of the hearing on the Weaver's Cove proposed LNG project. The Conservation Law Foundation has made its own request for the same relief. In regard to these requests, the First Circuit Court of Appeals has extended the deadline for filing petitioners' briefs to July 12, 2006. As such, the deadline for filing amicus briefs will now be July 19, 2006. Mr. Harsch suggested that the Council may wish to obtain copies of the briefs filed by the City of Fall River and the Conservation Law Foundation to determine whether the Town wishes to file an amicus brief in support of either or both positions.

It was the consensus of the Council to put on the July 10, 2006 Council agenda the possibility of filing an amicus brief.

3) St. Matthew's Church re: request to waive fee for the use of the  
Lt. Col. John C. Rembijas Pavilion (\$200.00)

It was moved by Councilor DiGiando, seconded by Councilor Kelly to waive the pavilion fee of \$200.00 for St. Matthew's Church. So unanimously voted.

## EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Councilor DiGiando to enter into executive session at 8:40 p.m. pursuant to RIGL 42-46-5 (a) (2) Litigation and pursuant to RIGL 42-46-5 (a) (5) Real estate (potential acquisition of real estate). The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon return to the regular session at 9:20 p.m., it was moved by Councilor Schnack, seconded by Councilor DiGiando 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 Schnack, seconded by Councilor Kelly to direct the Town Administrator to follow through with the instructions discussed in executive session. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Kelly, seconded by Councilor Szepatowski to adjourn at 9:25 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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