

**TOWN COUNCIL MEETING**  
**June 12, 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 Vice President Julio J. DiGiando. The following members were present:

William A. Kelly  
Michael Schnack  
Barbara A. Szepatowski

absent: David J. Long

also present:

Bruce R. Keiser Town Administrator  
Arlene D. Petit, Town Clerk  
J. William W. Harsch, Town Solicitor

present from the Harbor Commission:

Robert Bowen  
Christopher Brown  
Richard Anderson  
Michael deAngeli  
Thomas P. Tighe, Police Chief  
Paula Swistak, Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

- 1) Tree City USA 4<sup>th</sup> Year Award presented by Paul Dolan, State Urban Forester

As requested by Robert Dolan, Tree Committee member, the presentation regarding Tree City USA was passed to the next Council meeting on July 26, 2006.

- 2) Curtis Spalding, Executive Director of Save the Bay  
re: Siting of LNG Facilities

Curtis Spalding, Executive Director of Save The Bay gave a verbal presentation of the initiatives being taken by Save the Bay to oppose the proposed LNG facility at Weaver's Cove because of the environmental impacts from construction and operation, as well as the impact on coastal resources. Mr. Spalding addressed the need for security and noted that each community would be responsible for the security as the LNG tankers pass through the Narragansett Bay. In addition, Mr. Spalding expressed the concerns of Save The Bay regarding the proposed dredging of the Taunton River, and the negative impact on the habitat.

Council members noted the lack of information and notices of meetings being provided to Jamestown and requested that Save The Bay continue to inform the Council of the events concerning the proposed LNG facility.

- 3) Proclamation No. 06-012 honoring Jamestown Graduates Class of 2006

Councilor Schnack read Proclamation No. 06-012 in recognition of the achievements of all students in the community by proclaiming the week beginning Sunday, June 18, 2006 as Jamestown Graduates Week.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt Proclamation No. 06-12 as read. So unanimously voted.

### **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.*

#### **MARINE VESSEL BEVERAGE LICENSE – CLASS G, 2006 Season**

- 1) Conanicut Marine Services, Inc.  
Vessel Name: The Jamestown  
Location: Dockside at East Ferry

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to grant the request for permission to serve alcoholic beverages at retail aboard the vessel *The Jamestown* during the period thirty (30) minutes prior to the scheduled departure for the 2006 season. So unanimously voted.

- 2) Conanicut Marine Services, Inc.  
Vessel Name: MV Katherine  
Location: Dockside at East Ferry

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to grant the request for permission to serve alcoholic beverages at retail aboard the vessel *MV Katherine* during the period thirty (30) minutes prior to the scheduled departure for the 2006 season.

Councilor DiGiando inquired if there would be any parking problems or conflicts with the recreational use at East Ferry caused by the addition of the MV Katherine. Mr. Munger answered that the Katherine will be used when there are spikes in ridership and when The Jamestown is out of service. Mr. Munger stated that the activity for the vessels is from both the Newport and the Jamestown side of the Bay. Councilor DiGiando clarified that vessel MV Katherine is to be an adjunct to The Jamestown rather than having two vessels running each day.

The motion was 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 moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the consent agenda as presented. So unanimously voted. The consent agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) May 18, 2006 (work session)

- b) May 22, 2006, (regular meeting)
- c) May 22, 2006 (executive session)
- d) May 31, 2006 (special meeting)
- e) May 31, 2006 (executive session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Jamestown Tree Preservation and Protection Committee  
(01/17/2006, 02/21/2006, 03/21/2006, 04/18/2006)
  - b) Board of Canvassers (03/23/2006)
- 4) CRMC Notices:
  - a) June 2006 Calendar
- 5) Zoning Board of Review abutter notification
  - a) Application of Dean J. Wagner, 94 Lawn Avenue, Tax Assessor's Plat 8 Lot 762 for a variance from Article 3 Table 3-2 to construct an addition which will be 7.5' from southerly lot line
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Resolutions of the City Council, Providence
    - i) No. 231, in support of Senate Bill 2006-S 2049 re: elimination of MTBE as a Gasoline Additive
    - ii) No. 232, in support of Senate Bill 2006-S 2029 re: an act relating to public utilities
    - iii) No. 238, in opposition to House Bill 2006-H 7280 re: statutes and statutory construction – publication and distribution of acts
    - iv) No. 239, in support of Senate Bill 2006-S 2135 re: education – the Rhode Island Student Investment Initiative
    - v) No. 240 in support of House Bill 2006-H 7249 requesting RI's 39 Cities and Towns to support a nationwide boycott on all petroleum-based products from the Exxon Mobile Corporation
    - vi) No. 241 in support of House Bill 2006-H 6806 relating to Education – foundation level school support
    - vii) No. 242 requesting the establishment of a joint pension review committee to collect and analyze pension data
  - b) Resolution of the Town of Charlestown
    - i) In opposition to the Providence Tax Plan as it relates to the authorization of an additional 10 million dollars in state aid to the City of Providence
    - ii) In opposition to House Bill 7280 re: statues and statutory construction – publication and distribution of acts

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Councilor DiGiando requested that the Harbor Budget be moved up on the agenda.

New Business

- 2) Harbor Commission Budget; if favorable, for Council approval and adoption

Harbor Commission member Christopher Brown stated that the 2007 Harbor Commission Budget shows a small increase over last years. The Harbor Commission chose not to increase harbor fees this year which resulted in under funding for the "Transfer to Infrastructure" and the "Boat Capitalization Fund"; however, there are future plans to review increases in the future budgets. Mr. Brown pointed out that the operating revenue was decreased by approximately \$3,000.00 because of the transfer to the Marine Development Fund, as well as infrastructure expenses.

Councilor Szepatowski expressed concern that the Harbor Commission chose to under fund items rather than raise rates for proper maintenance and much needed repairs. Mr. Brown answered that the Harbor Commission is planning to conduct a survey of other communities prior to raising rates.

There being no further comment, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Harbor Commission budget as proposed. So unanimously voted.

Councilor DiGiando noted that the Harbor Commission 5 year plan will be reviewed at a later date.

### **EXECUTIVE SESSION ANNOUNCEMENT**

Councilor DiGiando noted that there would be no executive meeting this evening.

- 1) Pursuant to RIGL 42-46-5(a) (2) potential litigation (continued from 5/22/2006)

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

- 1) Town Administrator report (verbal); the following items may require action by the Town Council
  - a) Teen Center update

The animal shelter to teen center will be on the June 26, 2006 Council agenda for further discussion.

- b) Sewer treatment bid evaluation

The sewer treatment bid came in at a higher amount than budgeted for, necessitating a review to determine areas that can be done in a more cost effective manner. In addition, the work will be reviewed to determine if in-house contracting can be done. The Town Administrator will report back to the Council.

- c) Recreation facilities

The Town has received a \$160,000.00 grant award for improvements as outlined in the Fort Getty Master Plan. It is expected that some of the funding will be used for engineering to prioritize the work as well as to identify work that can be done in-house. In addition, the Town has received \$10,000.00 grant award to be used for improvements to the Lawn Avenue ball field and a State grant in the amount of \$3,000.00.

There was Council discussion on the possibility of holding an open house for Town facilities.

d) Hurricane planning

Chief of Police Thomas Tighe informed the Council that plans are being made to transfer the Town's emergency shelter from the Lawn Avenue school to the Melrose Avenue school. Chief Tighe gave a verbal report on classes he and Lt. Donovan attended on emergency management operations.

e) Water Resource and Protection Committee

Plans are being made to conduct an inventory to prioritize the existing vacant lots in the Jamestown Shores that might be available for purchase with water resource protection funds. The Town will be conducting a survey to determine the development suitability of lots in the Jamestown Shores.

f) Siegmund arbitration award

Town Solicitor William Harsch gave a written report to the Council regarding the Siegmund & Associates arbitration. Mr. Harsch noted that the purpose of the report to Council was to clarify the outcome of the Siegmund arbitration.

g) Wildlife Committee recommendations

The Wildlife Committee is continuing to provide education on the prevention of Lyme disease as well as identifying Town land for deer hunting. The Wildlife Committee will continue to work with RIDEM to establish a weigh station.

h) Town Hall bid update

There will be an additional prebid meeting on June 16, 2006. The Town will have the ability to engage in competitive negotiations and to consider cost cutting methods. The bid will be awarded to the lowest qualified bidder.

i) Golf Course lease

Discussion regarding the Golf Course lease was continued to the June 26, 2006 Council meeting.

RIDEM report regarding the former landfill

The report addressing the use of the landfill as a location for the highway facility has not been received by the Town as yet. The report remains in the office of the Director of RIDEM. Councilor Szepatowski suggested that the Director of RIDEM be invited to the Council meeting on June 26, 2006.

2) Local Jamestown Traffic Commission re: recommendation to deny a request to restrict parking on Lots 172 and 173 at the Jamestown Ambulance Barn (continued from April 25, 2006 Council meeting)

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the recommendation of the Traffic Commission to deny a request to restrict parking on lots 172 and 173, but to continue to allow public parking in the designated area on the east side of the building facing the condominiums. So unanimously voted.

- 3) Jamestown Police Chief Thomas P. Tighe re: recommendation to install street light on the west side of Grinnell Street on Pole #1

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the recommendation of the Chief of Police that the Council request a street light on the west side of Grinnell Street on Pole #1. With Councilor Kelly being away from his seat, it was voted with four in favor.

#### Federal Energy Regulatory Commission (FERC) Status Update

The Town Solicitor reported that there are several processes going forward in the consideration of the LNG facility at Weaver's Cove. CRMC is awaiting a ruling by the NOAA on their request for a consistency review for the project. In addition, decisions by the Coast Guard and Army Corps of Engineers have been delayed until they receive additional information from FERC. It is not expected that further permitting will begin until Weaver's Cove has filed a Supplemental Final Environmental Impact Report with the Massachusetts Environmental Policy Act Office.

In reference to KeySpan, Mr. Harsch informed the Council that there has been no briefing schedule set as yet. Mr. Harsch will keep the Town Council informed of any future findings.

### **PUBLIC HEARING**

### **ORDINANCES AND RESOLUTIONS**

### **COMMUNICATIONS AND PETITIONS**

- 1) GrowSmartRI re: Housing & Conservation Trust Study Commission recommendations (study can be found at [www.growsmartri.com](http://www.growsmartri.com))

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the communication from GrowSmartRI. So unanimously voted.

- 2) HousingWorksRI re: thank you letter for Council's endorsement of their 2006 policy platform

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the communication from HousingWorksRI. So unanimously voted.

- 3) Petition from Columbia Avenue residents requesting that the Town develop a plan to eliminate the steady stream of water emanating from an underground spring at the southern end of the road

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the petition from Columbia Avenue residents and forward to the Town Engineer for review and instructions to report back to the Town Council. So unanimously voted.

The Town Administrator reported that the Town will be hiring an environmental scientist/engineer to address this type of issue.

- 4) Rhode Island for Community and Justice requesting financial support for Project RESPECT 2006 as a scholarship guarantor

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the communication from Rhode Island for Community and Justice. So unanimously voted.

- 5) The Conservation Agency re: request for funding in the amount of \$9,999.00 for Narragansett Bay coyote study

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Conservation Agency and to place it on the June 26, 2006 Council agenda for additional discussion. So unanimously voted.

## **LICENSES & PERMITS**

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### **1) EVENT APPLICATION**

- a) Holy Ghost Society of Jamestown re Holy Ghost Feast  
138 Narragansett Avenue  
August 12, 2006  
Procession and Event 9:00 a.m. to dusk

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the event license for the Holy Ghost Society of Jamestown to hold a procession and event from 9:00 a.m. to dusk on August 12, 2006. So unanimously voted.

### **2) ONE DAY PEDDLER & ENTERTAINMENT LICENSE APPLICATION**

- a) Conanicut Island Art Association re Annual Art Exhibit  
Jamestown Community Center  
July 19, 2006 from 6:30 pm. – 9:00 p.m.  
July 20 – July 23, 2006 from 10:00 a.m. – 4:00 p.m.
  - i) Request to waive fee

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve the one day peddler and entertainment license for the Conanicut Island Art Association to hold their Annual Art Exhibit at the Jamestown Community Center on July 19, 2006 from 6:30 p.m. to 9:00 p.m. and on July 20 – July 23, 2006 from 10:00 a.m. – 4:00 p.m. and to waive the fee. So unanimously voted.

## **OPEN FORUM**

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

Representative Long was present to give the Council a legislative update.

- 2) Non-scheduled request to address

Charlotte Zarlengo, Seaside Drive encouraged the Council to purchase lots in the Jamestown Shores and to tighten the rules of the High Groundwater Ordinance.

Ellen Winsor, East Shore Road thanked the Council for passage of Resolution 06-011 regarding the cumulative effects of ISDS variances and encouraged residents to continue to address these issues with RIDEM.

## **APPOINTMENTS AND RESIGNATIONS**

### **UNFINISHED BUSINESS**

- 1) Jamestown Tree Preservation and Protection Committee re: lack of quorum and request to advertise for replacements

The Council discussed drafting a procedure for addressing absences on Committees. The Town Solicitor noted that the Council has the ability to remove for cause a committee member; the inability of a committee to hold a meeting for lack of a quorum due to a member having three consecutive unexcused absences would be cause for removal.

It was moved by Councilor Schnack, seconded by Councilor Kelly to instruct the Town Clerk to send a letter to members that are not attending the Tree Preservation and Protection Committee to inform them that if they no longer attend the meetings it will be necessary to replace them. So unanimously voted.

It was the consensus of the Council to address Boards, Commissions and Committees at a meeting in July 2006. The Council will review a list of committees, their charge and attendance lists at that time.

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

Previously addressed.

### **NEW BUSINESS**

- 1) Notice of proposed I.S.D.S. requiring a variance from I.S.D.S. regulations re: Application Number 0015-0351, Plat 16, Lot 65, Frigate Street; property owned by Martha Harris

It was moved by Councilor Schnack, seconded by Councilor Kelly 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.

- 2) Harbor Commission Budget; if favorable, for Council approval and adoption

Previously addressed.

- 3) Weaver's Cove proposed LNG project
  - a) Amicus brief filing

The Town Solicitor noted that we are still waiting for the filing dates to be announced.

- 4) Request from Bridges, Inc. to waive the fee for use of the Rembijas Pavilion

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the waiving of the fee for use of the Rembijas Pavilion. So unanimously voted.

- 5) Award Advertising Bid to the Jamestown Press for an amount not to exceed their bid proposal, for a term ending June 30, 2007

The Town Administrator reviewed the advertising bid and recommended awarding the contract to the lowest bidder, the Jamestown Press.

Councilor Szepatowski stated that she writes a column for the Jamestown Press; however she does not get paid for the column. Councilor Szepatowski asked if she should recuse herself from the vote. The Town Solicitor stated that in this instance there would be no need for Councilor Szepatowski to recuse herself.

It was moved by Councilor Schnack, seconded by Councilor Kelly to award the advertising bid to the Jamestown Press for an amount not to exceed their bid proposal, for a term ending June 30, 2007. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn at 9:15 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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