

TOWN COUNCIL MEETING

June 26, 2006

(as amended on July 10, 2006)

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:02 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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Tree city USA 4th Year Award presented by Paul Dolan, State Urban Forester

Paul Dolan, State Urban Forester, presented the Town Council with the Tree City USA 4th Year Award. In addition, Mr. Dolan honored the Town of Jamestown with one of 523 Growth Awards in the USA.

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 item number 2 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) June 5, 2006 (financial town meeting)
 - b) June 12, 2006 (regular meeting)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Library Board of Trustees (05/02/2006)
 - b) Jamestown Harbor Commission (05/10/2006, 05/15/2006)
- 4) CRMC Notices:
 - a) June 2006 Calendar (amended)

- 5) DEM Notices:
 - a) Announcement re: Request for Proposals for Nonpoint Source Pollution Abatement Grants (NPS), and Narragansett Bay and Watershed Restoration Fund Grants
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Town of Richmond re: distribution of the annotated General Laws of Rhode Island
 - b) Town of Burrillville re: in support of the general concept of real estate property tax relief, including the concepts of limiting by percentage the tax rate or amount a city or town may levy year to year
 - c) Town of Barrington re: requests the General Assembly provide communities with the analysis that supported its decision to decrease education aid

7) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly requested information regarding line item #70070.105, in the amount of \$5,000.00. The Town Administrator informed the Council that the payment was for the Town's grant writer. Ms. Donohue was responsible for the \$160,000.00 grant award from RIDEM for the Fort Getty Improvement.

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

EXECUTIVE SESSION ANNOUNCEMENT

**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) Town Hall bid update

The bids for the Town Hall construction have been opened. The lowest bidder came in at \$3,400,000.00. As allowed by Rhode Island General Law, the Town will enter into competitive bidding with the lowest bidder. It is expected that the costs will be reduced.

- b) Landfill and Highway Barn

The report from RIDEM on the 50% Design Plan for the former landfill closure has been sent back to the office of Wastewater Management. A meeting with RIDEM has been scheduled for Wednesday to review the preliminary report.

- c) Trails Grant

The feasibility and cost for the pedestrian/equestrian trail project is being assessed. In addition the Town Administrator will meet with the State Director of Planning to see if both the trails project and the bikeway project can be structured into the grant funding from RIDEM.

- d) Bikeway Project

See the Trails Grant (above).

e) Proposed 2006 road improvements

Due to the increase in paving material, which is expected to be approximately \$60.00 per ton, it is expected that for the 2006 paving and road oil and chip seal project will only allow for one mile of paving and 2.4 miles of oil and chip seal. The Town Administrator recommended that the Town consider bonding for roadway projects in next year's capital budget.

Other issues discussed were as follows:

Superintendent of Schools

The Council requested that the Town Administrator arrange for a meeting with the Town Council and the School Committee to discuss options for the new school administration and school staffing.

2) Memorandum from the Town Clerk re: July Town Council meeting location

Council President Long announced that the Council would meet at the Melrose Avenue School in the music room for the month of July.

PUBLIC HEARING

ORDINANCES AND RESOLUTIONS

1) Proposed ordinance amendment to Division 3 of Article III of Chapter 66 of the Code of Ordinances entitled "Members of Volunteer Ambulance Association and Fire Department (this amendment will bring the Code of Ordinance into compliance with recent changes to Chapters 237 and 370 of the 2005 Public Laws)

The Town Administrator announced that the passage of the proposed ordinance amendment would bring the Code of Ordinances in compliance with the legislation passed in 2005.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to instruct the Town Clerk to schedule a hearing on the proposed ordinance amendment to Chapter 66 entitled "Members of Volunteer Ambulance Association and Fire Department". So unanimously voted.

COMMUNICATIONS AND PETITIONS

1) GZA GeoEnvironmental reports
a) Residential Well Sampling Results Report for the Former Jamestown Landfill
b) Quarterly Groundwater Monitoring Report for March 2006

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the GZA GeoEnvironmental reports. So unanimously voted.

- 2) Weaver's Cove Energy re: proposed LNG facility and request to give presentation at a Town Council meeting

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from Weaver's Cove Energy and instruct the Town Administrator to invite a representative from the corporation to meet with the Jamestown Town Council. So unanimously voted.

- 3) Jamestown Historical Society re: building at 92 Narragansett Avenue (Jamestown Museum) lease and renovations

The Town Administrator stated that the Jamestown Historical Society (JHS) would like to make substantial improvements to the Town-owned building at 92 Narragansett Avenue. In order to obtain funding for those improvements the JHS requires a legal right to remain in the building for an extended period of time and therefore is requesting the following:

- that the Town give the Jamestown Historical Society a 99- year, rent-free lease for the museum building (but not the lot on which it stands);
- that the JHS make extensive improvements to the building at its own expense and pay for the building's maintenance over the period of the lease; all improvements being subject to the approval of the Town Administrator; and
- that the Town agree to permit the JHS to make appropriate use of the lot on which the building stands for handicap access, should that be deemed necessary in the future.

The Town Solicitor recommended that the Council put this on as new business on the next Council agenda for further consideration.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Jamestown Historical Society and to direct the Town Administrator to review the requests and forward a recommendation for the Council at the next meeting on July 10, 2006. So unanimously voted.

- 4) Donna J. Cote re: cumulative effect of ISDS variances and request for the Town to purchase property located in the Jamestown Shores area

It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the communication from Donna J. Cote and to refer the letter to the Water Resource Protection Committee for their review and action. So unanimously voted.

- 5) Council copy of letter sent to Frederick Brown, Building and Zoning Official from Magdalena Andres re: construction of a building on Plat 9 lot 201

It was moved by Councilor Kelly, seconded by Councilor Schnack to forward the communication from Magdalena Andres to Larry Parks, Town Solicitor. So unanimously voted.

Councilor Szepatowski requested that the Town Administrator forward a copy of the response from the Zoning Board of Review to the Council.

6) Robert Dolan, Tree Committee member re: support of planting low growing trees at the intersection of High Street and Walcott Avenue
It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the communication from Robert Dolan. 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) **EVENT LICENSE WITH VENDORS**

- a) Jamestown Yacht Club (insurance certificate received)
Fool's Rules Regatta
August 19, 2006 (rain date August 20, 2006)
East Ferry Beach

It was the consensus of the Council that the Town Administrator reviews the costs relating to services provided by the Town for the Fool's Rules Regatta.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the Event License for the Jamestown Yacht Club to hold the Fool's Rules Regatta on August 19 with a rain date of August 20, 2006. So unanimously voted.

- b) Conanicut Island Art Association (insurance certificate received)
Jamestown Community Center
July 29 – July 30, 2006
10:00 a.m. – 4:00 p.m.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Event License for the Conanicut Island Art Association at the Jamestown Community Center from July 29 to July 30, 2006, from 10:00 a.m. to 4:00 p.m. So unanimously voted.

2) **ONE DAY PEDDLER APPLICATION**

- a) Jamestown Lions Club (insurance certificate received)
July 4, 2006
Mackerel Cove Beach
6:00 p.m. – 9:00 p.m.
 - *request to waive fee*

Councilor Kelly recused himself from any discussion or vote on the One Day Peddler Application from the Jamestown Lions Club.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to approve the One Day Peddler License for the Jamestown Lions Club to sell light sticks on July 4, 2006 at Mackerel Cove Beach from 6:00 p.m. to 9:00 p.m. So unanimously voted.

XII. OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce J. Long re: legislative update
 - b) Senator M. Teresa Paiva-Weed re: legislative update

Representative Bruce Long and Senator Paiva-Weed appeared before the Jamestown Town Council to present a year-end General Assembly report.

2) Non-scheduled request to address Catherine Kaiser, School Committee Chair asked the Council to support the request from the Town of Barrington recommending that the General Assembly provide communities with the analysis that supported its decision to decrease education aid.

Emmet Turley, Seaside Drive, requested that the Council advertise for replacements for the Tree Committee.

Several residents requested that they be allowed to speak when the Council discusses the wood pile pier.

APPOINTMENTS AND RESIGNATIONS

UNFINISHED BUSINESS

1) Golf Course lease (continued from 6/12/2006)
The Town Administrator stated that he had no progress to report at this time.

NEW BUSINESS

- 1) CRMC ASSENT
Application #2006 04-103
Applicant: Elizabeth Perik
Project Location: 10 High Street, Plat 9, Lot 380
to construct and maintain a residential boating facility
a) Jamestown Harbor Commission review

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the communication from the Jamestown Harbor Commission regarding an assent for Elizabeth Perik to construct and maintain a residential boating facility. So unanimously voted.

- 2) The Conservation Agency re: request for funding in the amount of \$9,999.00 for Narragansett Bay coyote study (as requested by Council on 6/12/2006)

Numi Mitchell, Lead Scientist for the Narragansett Bay Coyote Study, requested that the Council contribute to the costs to deal with the Jamestown-related issues of the coyote study.

With assurances from Ms. Mitchell that the funding from the Town of Jamestown would support only those issues relating to the Town of Jamestown, it was moved by Councilor DiGiando, seconded by Council President Long to award the amount of \$5,000.00 towards the study and education of the public in the management of coyotes on Jamestown was voted, Councilor DiGiando, aye; Councilor Kelly, nay; Councilor

Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye. The motion passed with four in favor and one opposed.. So unanimously voted.

- 3) Wood pile pier re: request from the Jamestown Harbor Commission for emergency ordinance closing access on the wood pile pier and the concrete pier at East Ferry from 9:00 p.m. to 5:00 a.m.

The Town Administrator noted that there are problems with litter in the area of the wood pile pier, as well as issues brought about by the lack of restroom facilities being available in the evening hours. Mr. Keiser stated that the Town has a limited amount of resources to monitor activity on the wood pile pier.

The Council discussed their concerns with the safety and welfare of individuals using the pier along with balancing the public's right to access the water through the use of the wood pile pier.

Following public input on the issues relating to the wood pile pier the Council commented on the following:

- The problem of litter and the problems brought about by fishing from the wood pile pier are seasonal.
- All efforts should be made to control the problem without closing access to the public.
- There should be additional trash barrels in the location of East Ferry, which should be emptied on a regular schedule.
- Restrooms should remain open.
- Any illegal fishing must be reported to RIDEM. (Because RIDEM informed Chief Tighe that they would not respond to the dock area if only one agent was on duty, Chief Tighe noted that he would be willing to offer police assistance.)
- Less boats and more room on the wood pile pier for fishing might help alleviate the problem of individuals boarding vessels to fish.
- Additional patrolling should be considered.
- A long-term solution is needed.

The following individuals commented on issues relating to the wood pile pier:

Peter Fay, Swinburne Street, member of the Rhode Island Saltwater Anglers, spoke against the closing of the wood pile pier.

Arthur Conlon, Pemberton Avenue, objected to the closing of the wood pile pier.

Robert Bowen, Harbor Commission, did not support the request to close the wood pile pier. Mr. Bowen noted that the Harbor Commission is working on a long-term solution.

William Munger, owner of Conanicut Marine Services at East Ferry, cited several reasons why he was in favor of closing the wood pile pier to fishing. Mr. Munger suggested that the closing could occur between 12:00 midnight and 5:00 a.m.

Michael Casey, North Road, did not support the closing of the wood pile pier.

Richard Anderson, Harbor Commission, encouraged the Council to enact an emergency ordinance to ban fishing on the wood pile pier for the hours suggested.

It was the consensus of the Council that the wood pile pier be put on the next Council agenda and to include a progress report from the Town Administrator and the Chief of Police with suggestions on how to resolve the problems at the wood pile pier.

- 4) Award of Bid re: recommendation from the Jamestown Harbor Commission to award the bid for a new harbormaster boat, trailer and engine with extended warranty on the tubes to: RIBCRAFT for an amount not to exceed \$95,770.00

Michael de Angeli, Harbor Commission Chair, informed the Council that the cost of the new harbor boat is covered by the funds set aside for the purchase and funds in the retained earnings account.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to award the bid for the harbormaster boat, trailer and engine with extended warranty on the tubes to RIBCRAFT for an amount not to exceed \$95,770.00. So unanimously voted.

- 5) Golf Course lease (as requested by Council on 6/12/2006)
Previously addressed.

- 6) Animal Shelter to Teen Center (as requested by Council on 6/12/2006)
Councilor Szepatowski stated that the Rhode Island Foundation thought the program for the teen center was wonderful; however, they did have concerns that the location was not of a more permanent nature. Councilor Szepatowski requested to withdraw her request to use the Southwest Avenue building for the teen center and stated that she would continue to work on locating the animal shelter there.

Councilor Szepatowski volunteered to act as the Council liaison to the Teen Task Force Group in order to work with them in identifying a future location.

It was the consensus of the Council to address the Teen Center on the next Council agenda for further discussion. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Kelly to adjourn at 9:24 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

c: Town Council Members (5)

Town Administrator
Town Solicitor
Administrative Circulation