

## TOWN COUNCIL MEETING

August 15, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library at 26 North Road at 7:00 PM by Council President 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

None

### COUNCIL SITTING AS ALCOHOLIC 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

### COUNCIL SITTING AS BOARD OF WATER AND SEWER COMMISSION

*For the months of high water usage (June, July and August) the Water and Sewer Commissioners may from time to time consider the adjustment of the water regulations. Only the motion to take such action will be recorded.*

- 1) Municipal Water System

No action taken.

### 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 numbered 2 and 8 be removed from the Consent Agenda. It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) July 19, 2006 (executive session)
  - b) July 24, 2006 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Traffic Commission (04/25/2006)
  - b) Jamestown Housing Authority (06/07/2006)
  - c) Zoning Board of Review (06/27/2006)

- d) Planning Commission (06/21/2006)
- e) Library Board of Trustees (06/06/2006)
- f) Conservation Commission (07/11/2006)
- 4) CRMC Notices:
  - a) August 2006 calendar
  - b) Public Notice to the **Town of Jamestown** re: assent to construct and maintain: new Water Treatment Plant located at **Plat 6 Lot 1**; North Main Road
  - c) Cease & Desist Order to **David & Gilda Piccoli** re: unauthorized earthwork on and within 200 feet of a coastal feature at **Plat 2 Lot 84**; 587 East Shore Road
- 5) Zoning Board of Review abutter notification:
  - a) Application of **James & Patricia Donnelly**, whose property is located at Garboard St., and further identified as Tax Assessor's **Plat 15, Lots 177, 178 & 179** for a Special Use Permit from Article 3, Section 82-314 (B) (1 To 6) and (c) (1) to construct a 3 bedroom single-family residence with ISDS within the High Ground Water Table and Impervious Layer Overlay District. Said property is located in a R40 zone and contains 21,600 sq. ft.
  - b) Application of **Brian & Darien Petit**, whose property is located at Seaside Dr., and further identified as Tax Assessor's **Plat 3, Lot 168** for a Special Use Permit from Article 3, Section 82-314 to construct a single family home within the "high groundwater table and impervious layer overlay district". Said property is located in a R40 zone and contains 33,050 sq. ft.
- 7) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Town of East Greenwich re: casino resolution
  - b) Town of Newport re: casino resolution
- 8)
- 9) Notice from Bridge Building re: *News of EBCAP's Capital Campaign*
- 10) Abatements/Addenda of Taxes

\*\*\*\*\*

2) Bills and Payroll

Councilor Kelly requested further information on the following items:

21000.851 Jamestown Community Theatre – fall production \$9,000.00

The Town Administrator noted that this is for advanced funds to the Jamestown Community Theatre. These funds will be reimbursed through admission sales.

Councilor Schnack requested that the Town Administrator provide information at the August 28, 2006 Council meeting on the Town's relationship with the Jamestown Community Theatre Group.

70920.527 MHQ Municipal Headquarters Supply – protective vests \$10,360.30

The Town Administrator explained that this cost is for the purchase of fourteen (14) protective vests as discussed by the Council in April. Because the funds were not budgeted in 2005/2006 fiscal year, the payment was funded through incidentals &

emergencies. There was a 50/50 grant match which will result in a reimbursement of \$4,000.00 to the Town.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the Bills and Payroll as submitted. So unanimously voted.

- 8) Letter from the RI Department of Education with *Information Works! Report Card 2006* booklet

Following Council discussion, it was the consensus of the Council to instruct the Town Clerk to schedule a meeting in September with the School Committee to review the report from the RI Department of Education entitled "Information Works! Report Card 2006".

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the letter from the RI Department of Education with *Information Works! Report Card 2006* booklet. So unanimously voted.

### **EXECUTIVE SESSION ANNOUNCEMENT**

None

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

- 1) Town Administrator verbal report  
a) Town department reports

#### Town Hall

The Town Administrator reported that the rebids for the new town hall were opened today. Negotiations are ongoing to bring the cost in under \$3,000,000.00. The Town Administrator recommended that in order to defray contingency costs, the Town reach out to the community for fund raising efforts. The Town Administrator suggested that the Council consider holding a special meeting in the first week in September to award the bid for the construction of the new town hall.

Upon questioning, the Town Solicitor answered that the Town Administrator was following established guidelines for the bidding process.

#### Teen Center

The Town Administrator reported that he continues to identify a location for a teen center. Presently there are two locations being considered, both within walking distance of the village. Although the Rhode Island Foundation has tentatively committed to some funding following the end of the grant in December of 2007; it will be necessary for the Town to dedicate funding for this center.

Councilor Szepatowski informed the Council that there are generally 15 to 20 children in the teen program with as many as 40 participating in field trips.

The Town Administrator noted that the Rhode Island Foundation will be providing tracking software which will assist in assessing the need for the teen center and justify additional funding.

It was the consensus of the Council to instruct the Town Administrator to provide additional details and information relating to the number and ages of the children in the teen program.

#### Generator

The Town Administrator informed the Council that the Town has received a grant in the amount of \$43,000.00 for the purchase of a generator for the emergency shelter at the Melrose Avenue School. Funding for the installation of the generator is expected to be between \$15,000.00 and \$20,000.00. Chief Tighe was commended for opening the shelter sites for those in need of air conditioning last week.

It was the consensus of the Council that the Town Administrator provide updated emergency plans for the upcoming hurricane season at the August 28, 2006 Council meeting.

#### Open Meetings Act

The Town Solicitor presented a memorandum from the RI League of Cities and Towns intended to clarify the term ‘rolling quorum’ in the Open Meetings Act.

### **PUBLIC HEARING**

None

### **ORDINANCES AND RESOLUTIONS**

- 1) An Ordinance Amending Chapter 22 of the Code of Ordinance of the Town of Jamestown re: Article VI. Agriculture
  - a) Motion to repeal the adopted ordinance from March 27, 2006 and replace with corrected ordinance

The Town Administrator informed the Council that the ordinance amending chapter 22 of the code of ordinance will be properly inserted and placed in the Jamestown Code of Ordinance when printed by Municipal Code.

No action was taken by the Council.

### **COMMUNICATIONS AND PETITIONS**

- 1) Letter from Nathan W. Garner re: Clinton Street  
It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the communication from Mr. Garner.

The Town Administrator noted that he is in the process of identifying duplicate street names and determining the impact of a name change with the Tax Assessor, Director of Public Works and the Town Solicitor. So unanimously voted.

The Town Solicitor noted that the Post Office would be a resource that should be consulted.

2) Letter from Robert Gibbs re: parking restrictions at Head's Beach  
It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from Robert Gibbs. So unanimously voted.

3) Invitation from the National Association for the Advancement of Colored People to attend the Annual Observance of the Battle of Rhode Island on Sunday, August 27, 2006

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the invitation to attend the Annual Observance of the Battle of Rhode Island. So unanimously voted.

The Town Clerk was instructed to pass the invitation on to the Jamestown Historical Society.

### 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) One Day Peddler License:  
a) Application of the **Jamestown Rotary Club** to sell doughboys, water and soda at the Fools' Rules Regatta on Saturday, August 19, 2006 at East Ferry from 7:00 am to noon. Application is complete and insurance policy submitted

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the One Day Peddler License for the Jamestown Rotary Club to sell doughboys, water and soda at the Fools' Rules Regatta on Saturday, August 19, 2006 at East Ferry from 7:00 am to noon. So unanimously voted.

2) One Day Ft. Getty Entertainment License:  
a) Application of **the Chemical Company** to have a band perform on Sunday, August 20, 2006 at the Ft. Getty Pavilion from noon to 8:00 pm. Application is complete; *no insurance policy submitted*

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the One Day Entertainment License for the Chemical Company to have a band perform on Sunday, August 20, 2006 at the Ft. Getty Pavilion from noon to 8:00 pm. So unanimously voted.

b) Application of the **Jamestown Seaside Family Cruise** dba: Car Show to have a DJ perform at the Ft. Getty Pavilion on Sunday, September 3, 2006 from 9:30 am to 3:00 pm. *Signature in route; no insurance policy submitted*

It was moved by Councilor Kelly, seconded by Councilor Schnack to approve the One Day Entertainment License to the Jamestown Seaside Family Cruise dba: Car Show to have a DJ at the Ft. Getty Pavilion on Sunday September 3, 2006 from 9:30 am to 3:00 pm. So unanimously voted.

- c) Application of **Dan O'Neil** to have a DJ perform at the Ft. Getty Pavilion on Sunday, August 27, 2006 from noon to 9:00 pm.  
Application is complete and insurance policy submitted

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Entertainment License for Dan O'Neil to have a DJ at the Ft. Getty Pavilion on Sunday, September 3, 2006 from 9:30 am to 3:00 pm. So unanimously voted.

### **OPEN FORUM**

- 1) Scheduled request to address
- 2) Non-scheduled request to address

Valerie Molloy, Columbia Avenue, requested that the sand barrels at Mackerel Cove be maintained by the beach staff. Ms. Molloy suggested that the beach staff post notices and warnings on the beach building to inform bathers of dangers such as a Portuguese man-of-war in the bay, tide information, etc.

### **APPOINTMENTS AND RESIGNATIONS**

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

- 1) Request from Candy Powell of the Fools' Rule Regatta to the Town Council for the following:
  - a) Provide a truck and driver for hauling away the "vessels" and debris after the event on August 29<sup>th</sup>
  - b) Jamestown Police Department traffic assistance
  - c) Permission to erect a banner across Narragansett Avenue from August 8<sup>th</sup>-20<sup>th</sup>

The Town Administrator informed the Council that CBS may highlight the Fools' Rules Regatta on television. With that much publicity, the Town Administrator expressed concern regarding the number of people that may attend the event. It was reported that the cost to the Town for this event in previous years has been approximately \$600.00.

In determining additional costs to the Town, Councilor Schnack suggested that the cost of the removal or the hauling away of the vessels should be the responsibility of the participants.

Councilor DiGiando noted that the funds raised by this event go back into the community.

There was also Council discussion on the possibility of an event such as the Fools' Rules Regatta bringing in business to the restaurants and retail stores.

The Town Administrator noted that he will continue to work on the rate policy and report back to the Council when his review is complete.

- 2) Letter from Thomas P. Tighe, Police Chief, re: Parking Restrictions (fire hydrant)

The Town Solicitor advised that the Council could adopt an emergency ordinance at the meeting of the Board of Water and Sewer Commissioners if there was an immediate need for the safety of the community.

The following concerns were also discussed by the Council in relation to parking restrictions on Narragansett Avenue:

- overnight parking restrictions
- yellow paint markings should be relocated for hydrant that was moved

It was the consensus of the Council to allow the Town Administrator and Town Solicitor to determine if the hearing date for the proposed ordinance is to be considered an emergency or can be heard at a regular Council meeting.

- 3) Draft copy of the Amicus Brief for Council consideration

The Town Solicitor recommended that the Amicus Brief (draft #4, dated 8-8-06) be approved for submission. It is expected that any changes that may be necessary after reviewing other briefs will be minimal.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the draft copy of the Amicus Brief as submitted and to instruct the Town Administrator to approve any minor revisions to the brief, if necessary, prior to submission. So unanimously voted.

There being no further business before the Town Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn the meeting at 8:00 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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