

**TOWN COUNCIL MEETING**  
**August 28, 2006**

At a regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:00 PM by Council Vice President Julio DiGiando The following members were present:

William A. Kelly  
Michael Schnack  
Barbara A. Szepatowski

absent: Council President David J. Long

also present:

Bruce R. Keiser, Town Administrator  
Arlene D. Petit, Town Clerk  
J. William W. Harsch, Town Solicitor  
Matthews Bolles, Parks and Recreation Director

**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 item number 2 be removed from the Consent Agenda. It was moved by Councilor Schnack, seconded by Councilor Szepatowski 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 (special meeting)

- b) August 15, 2006 (regular meeting)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Zoning Board of Review (07/25/2006)
  - b) Tree Preservation and Protection Committee (06/20/2006)
- 4) CRMC Notices:
  - a) Cease and Desist
    - i) PBH Realty, LLC c/o Procaccianti Group, 1140 Reservoir Ave, Cranston re: unauthorized clearing of vegetation within 200 feet of a coastal feature from property located at Plat 12, Lot 41, Beavertail Road
- 5) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Town of Richmond re: Opposition to Ballot Question No. 1 relative to the amending of the State of Rhode Island Constitution to grant a single private company the right to a no-bid license for a casino in the Town of West Warwick.
- 6) Abatements/Addenda of Taxes

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2) Bills and Payroll

Councilor Kelly asked for additional information on the following items:

Account # 70050.201            Legal Services            \$6,632.38

The Town Administrator informed the Council that \$3,548.00 of the legal services was for criminal prosecution. Mr. Keiser noted that Judge DeRobbio requires all work associated with criminal prosecution be presented by legal counsel rather than by a police prosecuting officer. This has impacted all cities and towns with higher bills for legal services. It was questioned as to whether the increased legal services would reduce police overtime if police appearance is not required in court. Chief Tighe answered that the court appearance, in most instances, is covered by regular hours and would not impact police overtime. In answer to the possibility of expenses being covered by fees and fines, the Town Administrator noted that the revenue for these specific court cases would be marginal.

Account # 70495.101            Tree Management            \$3,273.75

The Town Administrator reported that the Tree Warden works directly with the Department of Public Works as well as with the Tree Committee. Robert Dolan, Tree Committee member reported that the Tree Committee is satisfied with the work of the Tree Warden.

Account # 70430.334            Larry Ruotolo            \$1,300.00 (excavator rental)

Councilor Kelly noted that he would expect this type of expense to be reduced since the purchase of new equipment by the Department of Public Works.

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

It was moved by Councilor Schnack, seconded by Councilor Kelly to move items under New Business up on the agenda. So unanimously voted.

### New Business

7) Approval for use of Melrose Avenue for filming a Disney Production  
The Town Administrator introduced Maria Bierniak, Location Manager for the Disney film entitled "Dan in Real Life". Ms. Bierniak informed the Council that the film production would take place from mid-October to December on property located on Melrose Avenue. It is the intent of the production company to be good neighbors and not impact the normal life of the community. Ms. Bierniak stated that she is also working with the Beavertail Lighthouse Museum Association to arrange for a scene to take place at the lighthouse.

The Council discussed their concerns relating to the impact of this film production on the Melrose Avenue School as well as the safety and welfare of the school children. Ms. Bierniak stated that when the filming begins, equipment and staff will be shuttled in from off-site.

It was the consensus of the Council that a schedule with dates and times be submitted for review and that coordination with Ms. Bierniak and the Town Administrator continue.

2) Award of Bid re: 150 KW Generator to Milton Cat in an amount not to exceed \$42,845.00 (Rhode Island Emergency Management Agency grant to cover funding for this item)

The Town Administrator noted that the grant money does not cover the cost of installation. Mr. Keiser requested that the Council hold a special meeting on September 7 to award the bid for the electrical installation of the generator.

Councilor Kelly suggested that because the Melrose Avenue School would be receiving some benefit from the emergency generator that the School Superintendent be approached to absorb some of the installation costs. The Town Administrator stated that he would discuss this with the new Superintendent.

It was moved by Councilor Szeptowski, seconded by Councilor Schnack to award the bid to Milton Cat for the 150 KW Generator in an amount not to exceed \$42,845.00. So unanimously voted.

3) Emergency Management re: update on plans for hurricane season (report from the Town Administrator)

The Town Administrator reported that the Emergency Management Preparedness Team has been meeting over the summer months in preparation for the hurricane season. The team is prepared for advance preparation, response and recovery efforts in the event that the Jamestown is affected by a hurricane or other disaster.

Chief Thomas Tighe, Emergency Management Director, informed the Council that the following action has been taken in efforts to protect the safety of the community in the event that a disaster occurs:

- purchase of a 40' storage container to be used to house emergency supplies from the Red Cross, as well as other emergency supplies
- pet identification program was held in conjunction with the Humane Society to take photographs of pets and their owners in case of separation during a hurricane or disaster
- emergency procedure training for volunteers to be held by the Red Cross

No action was taken by the Council at this time.

### **EXECUTIVE SESSION ANNOUNCEMENT**

None

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

- 1) Town Administrator Report (verbal)
  - a) New Town Hall

The Town Administrator informed the Council that through continued negotiations the cost for the construction of a new town hall is \$2,960,000.00. The reduction in the cost is due to a change in specifications for the HVAC system. These changes will provide for a system that is more than adequate for the project and will meet the needs of the town hall. There are some concerns regarding the contingency funds; however, Pezzucco Construction has assured the Town that the level of detail on the project plans provided by the architect is such that the quotes that have been provided cover the requirements of the job. In checking references for Pezzucco Construction, Mr. Keiser reported that he is confident in recommending this company.

The Council raised concern over the initial cost leaving little or no room for any variances in construction. The Town Administrator recommended that the Council appoint a committee to raise funds for specific items such as the cupola or other architectural details.

The Town Administrator requested that the Council meet on Thursday, September 7, 2006 at 5:00 pm at the Town Hall to award the bid for the new Town Hall. In addition, Mr. Keiser also asked that the agenda include an award of bid for the electrical installation for the Melrose Avenue School generator and an executive session regarding potential litigation.

- b) Wastewater Treatment Plant update

The Town Administrator reported that Thielsch Engineering has revised the cost for the Wastewater Treatment Plant update which will enable the Town to complete the entire scope of the project. Any modifications made to the final phase of this update will not affect the efficiency or capacity of the project and will bring it in line with the funds available. The effluent filter for the golf course will come from the Golf Course Reserve

Fund and will be incorporated into the Wastewater Treatment Plant project. Future golf course lease negotiations will include funds on a pro rata basis for the effluent filter in order to replenish the reserve fund.

c) Water Treatment Plant update

The Town Administrator reported that the wetland mitigation plan for the water treatment plant has been reviewed by CRMC and accepted with some minor modifications. Mr. Keiser also noted that the plan proposed by the Conservation Commission was reviewed; however, due to the complexity of the plan, which includes the marsh area, it is recommended that the marsh plan be considered separately, with the Town possibly partnering submission of the plan with the Conservation Commission.

d) Jamestown Community Theatre

The Town Administrator reviewed the memorandum from the Director of Parks and Recreation outlining the history and relationship between the Town and the Jamestown Community Theatre. Mr. Keiser noted that in the 1990's the Community Theatre was independent from the Jamestown Recreation Department. In 1993 the Community Theatre came under the umbrella of the Town as an organization providing leisure theatre activities to all ages of the community. With the new relationship and fiscal accountability to the Town, the Intrerlocal Risk Management Trust, the insurance company for the Town, agreed to cover the theatre group. Since that time the Community Theatre has expanded, with the Recreation Director taking a stronger interest in promoting the theatre as an alternative to fitness and athletic activities for the community residents. Expenditures, such as the \$9,000.00 recently approved by the Council, is taken from the reserve (enterprise) fund which as of early August had a balance of 23,000.00. This account is replenished with receipts that exceed the expenditures from productions put on by the Community Theatre. The accounting for other recreation programs is somewhat different from the Community Theatre because revenue funds from theatre productions go directly into an account maintained specifically for their use, although the Recreation Director sees no reason why these funds could not all be combined and managed in the same account as with other recreation programs. With respect to the Board of Directors for the Jamestown Community Theatre, the Town Administrator noted that in the past it was not unusual for programs such as the youth soccer league or the baseball league to have a Board of Directors, only the theatre group has maintained this structure, with the Recreation Director as one of the members of the Board of Directors. Mr. Keiser noted that in the last ten years, the Jamestown Community Theatre has returned \$36,000.00 from excess reserves to the community for improvements to the Community Center.

There was Council concern regarding the accounting procedure for the Community Theatre. The question arose as to whether the Community Theatre holds a 501-C3 status and if so, should be paying for the use of the Community Center and staff. If there status is not that of a 501-C3 then it was felt that the revenue from the Community Theatre should be accounted in the same manner as all other recreation programs.

In reviewing the memorandum, Councilor Schnack stated that there were some questions that may be related to job performance which he would like to address in executive session.

It was moved by Councilor Schnack, seconded by Councilor Kelly to schedule an executive session on September 25, 2006 to address issues relating to the performance of the Parks and Recreation Director. The vote was, Councilor DiGiando, nay; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye. The motion passed with three in favor and one opposed.

The Town Solicitor advised that a letter must be sent to Mr. Bolles informing him that he has the right to appear in open session to discuss performance issues.

The Council discussed the need for a well balanced recreational program which would allow for the use of the Community Center by the youths of the community as well as some theatre and arts.

The Town Administrator recommended that the Council consider establishing a Recreation Board that would consist of constituent representatives from various user groups that deal with recreational activities in the community. That Board could address questions dealing with the allocation of funds to the Recreation Department as well as the types of recreational activities to be provided by the Town. This would allow for a clear sense of the community's mission as it relates to recreation.

It was the consensus of the Council to instruct the Town Administrator to provide the Council with an outline for the establishment of a Recreation Board.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

- 1) Proposed amendment to Chapter 70, Traffic and Vehicles of the Jamestown Code of Ordinance, Section 70-25 Notice of violation; admission of truth and payment of fines at police station; amounts, and adding Section 70-88 Parking prohibited within eight feet (8') of a fire hydrant (**if favorable, motion to set hearing date for September 11, 2006**)

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to set a hearing date of September 11, 2006 for the proposed amendment to Chapter 70, Traffic and Vehicles of the Jamestown Code of Ordinance, Section 70-25 Notice of violation; admission of truth and payment of fines at police station; amounts, and adding Section 70-88 Parking prohibited within eight feet (8') of a fire hydrant. So unanimously voted.

- 2) Proposed amendment to Chapter 42 of the Jamestown Code of Ordinances entitled "Beaches and Other Water Related Facilities", adding Section 42-

62. Parking at Jamestown Shores (or “Head’s”) Beach (if favorable, motion to set hearing date for September 11, 2006)

It was moved by Councilor Kelly, seconded by Councilor Schnack to set a hearing date of September 11, 2006 for the proposed amendment to Chapter 42 of the Jamestown Code of Ordinances entitled “Beaches and Other Water Related Facilities”, adding Section 42-62. Parking at Jamestown Shores (or “Head’s”) Beach. So unanimously voted.

Councilor Szepatowski reminded the Town Administrator to arrange for the repainting of the markings for the hydrant across the street from the Bank of America.

### COMMUNICATIONS AND PETITIONS

1) Letter from Town Solicitor Parks re: Rolling Quorums

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letter from Town Solicitor Parks regarding rolling quorums. So unanimously voted.

2) Letter from Candace McAloon re: vehicle damage claim

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from Candace McAloon regarding damage to her vehicle and to forward the letter to the Town Solicitor. 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) EXHIBITION/EVENT LICENSE

- a) Conanicut Island Land Trust  
HeyDay  
September 16, 2006  
Dutra Dairy Farm, 42 Weeden Lane  
11:00 am – 4:00 PM
  - i) Request to waive fee
  - ii) Letter to the Town Council re: Heyday

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Exhibition License with Vendor from the Conanicut Island Land Trust to hold Heyday on September 16, 2006 at the Dutra Dairy Farm, 42 Weeden Lane from 11:00 a.m. to 4:00 p.m. and to waive the fee. So unanimously voted.

### OPEN FORUM

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

Charlotte Zarlengo, Seaside Drive, expressed concern with the lack of groundwater protection in the Jamestown Shores area. Ms. Zarlengo sited several instances where lots previously acquired by the Town at a tax sale, then redeemed by original owners years later, and have now been issued variances for development.

Following conversation regarding the process for the redemption of tax sale property, the Town Administrator noted that the Town is developing a list of these properties and working with the Town Solicitors to determine if they can be retained by the Town. In addition, the Town Administrator stated that, as approved by the Town Council, the Town will be purchasing continuous monitoring devices to assist in testing the town-owned properties in the Shores area to more accurately determine water table, as well as increasing hours for an employee with the expertise in this area, and to continue the adoption of regulatory amendments.

Candace McAloon, Beacon Avenue, stated that she was expecting to be reimbursed for damages to her automobile caused by a pothole on North Road. Ms. McAloon requested that the Town repair the potholes in a timely manner to avoid this type of a situation.

Councilor Szepatowski encouraged pet owners to make sure that distemper and rabies shots are up-to-date because of the number of infected animals on the island. Councilor Szepatowski requested that if any animal displays signs of distemper or rabies that the Police Department be called immediately.

#### **APPOINTMENTS AND RESIGNATIONS**

- 1) Tree Preservation and Protection Committee; one (1) vacancy exists, term ending December 31, 2007; duly advertised
  - a) Letter of resignation
    - i) Frank Andres
  - b) Letters of interest
    - i) Walter G. Boll
    - ii) Joseph P. Tamburini
    - iii) Anthony J. Antine

It was moved by Councilor Schnack, seconded by Councilor DiGiando to appoint Walter Boll to the Tree Preservation and Protection Committee for a term ending December 31, 2007. It was voted, Councilor DiGiando, aye; Councilor Kelly, nay; Councilor Schnack, aye; Councilor Szepatowski, aye. The motion passed with three in favor and one opposed.

- 2) Personnel Board; three (3) vacancies exist; two (2) terms ending May 31, 2009 and one (1) term ending May 31, 2008; duly advertised (Please note: In order to stagger term ending dates a two-year appointment is necessary.)
  - a) Letter of resignation
    - i) Jill Anderson (no response)
  - b) Request for reappointment
    - i) Jeffrey G. Hunter
    - ii) Nancy Kolman Ventrone
  - c) Letter of interest
    - i) Betty R. Kinder

It was noted that Jill Anderson did not submit a letter of resignation.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to reappoint Jeffrey G. Hunter and Nancy Kolman Ventrone to the Personnel Board for terms ending May 31, 2009 and to appoint Betty R. Kinder for a term ending May 31, 2008. So unanimously voted.

- 3) Town Buildings and Facilities Committee; four (4) vacancies exist; two (2) terms ending May 31, 2006; one (1) term ending May 31, 2008; and an alternate position, term ending May 31, 2008; duly advertised
  - a) Letters of resignation
    - i) Alerino M. Iacobbo
    - ii) William F. Marsh
    - iii) Daniel Capuano (via telephone)
  - b) Letters of interest
    - i) Christopher Fabiszak
    - ii) Leif M. Lamoray
    - iii) Clayton Carlisle

It was noted that the May 31, 2006 term limits should be listed as May 31, 2009.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to appoint the following members to the Town Buildings and Facilities Committee:

Christopher Fabiszak for a term ending May 31, 2009  
Clayton Carlisle for a term ending May 31, 2009  
Leif M. Lamoray for a term ending May 31, 2008

So unanimously voted.

### UNFINISHED BUSINESS

None

### NEW BUSINESS

- 1) An Ordinance amending Chapter 22 of the Code of Ordinances, adopted on March 27, 2006 re: correction of numbering; if favorable, motion to “repeal the amendment to the Code of Ordinance entitled Article V. Agriculture – Division 1. Notification to Farmers as adopted on March 27, 2006 and replace with **Article VI. Agriculture – Division 1. Sections 22-230 and 22-321** in order to correct the numbering sequence in the Jamestown Code of Ordinance.”

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to repeal the amendment to the Code of Ordinance entitled Article V. Agriculture – Division 1. Notification to Farmers as adopted on March 27, 2006 and replace with **Article VI. Agriculture – Division 1. Sections 22-230 and 22-321** in order to correct the numbering sequence in the Jamestown Code of Ordinance. So unanimously voted.

- 2) Award of Bid re: 150 KW Generator to Milton Cat in an amount not to exceed \$42,845.00 (Rhode Island Emergency Management Agency grant to cover funding for this item)

Previously addressed.

- 3) Emergency Management re: update on plans for hurricane season (report from the Town Administrator)

Previously addressed.

- 4) Jamestown Community Theatre re: relationship/association with Town (report from Town Administrator)

Previously addressed.

- 5) Jamestown Teen Center re: request to submit application to Zoning Board of Review for a special use permit at 23 Narragansett Avenue for the purpose of establishing a location for the Teen Center (application in the name of the Jamestown Teen Center, Jamestown Recreation Department, and Owners George and Irene Dolos)

Councilor Szepatowski explained that the owners of 23 Narragansett Avenue have agreed to allow the Town to rent the second floor to be used as a Teen Center at a cost of \$1,500.00 per month. In order for this to occur, it will be necessary to apply for a special use permit. With the Town as potential lessee and with the owners' permission, the Council is being asked to allow the request for a special use permit to be presented to the Zoning Board of Review at the September 26, 2006 meeting.

The Council discussed the following concerns relating to the renting of space for a Teen Center:

- number and age of children participating in the teen program
- specifics of proposed rental agreement
- monthly and yearly rental costs
- fundraising for rental and utilities
- identify resources if fundraising does not cover costs
- School Committee to be contacted for input

The Town Solicitor advised that it is not unusual for a potential lessee or buyer to submit an application to the Zoning Board of Review prior to entering in a contract to lease or purchase.

It was moved by Councilor Kelly, seconded by Councilor Schnack to submit an application to the Zoning Board of Review for a special use permit for 23 Narragansett Avenue to allow for the second floor to be used as a Teen Center. So unanimously voted.

It was the consensus of the Council to put the Teen Center on the September 25, 2006 Town Council agenda for a review of plans and further discussion.

- 6) Jamestown Parks and Recreation Department re: request to submit application to the Zoning Board of Review for a special use permit at 32

Pemberton Avenue for the purpose establishing a location for recreational activities; more specifically, exercise and dance classes (application in the name of Jamestown Recreation Department and owners Pamela A. Storey and James A. Thompson)

Councilor Szepatowski stated that the owners of 32 Pemberton Avenue have agreed to rent a unit to the Town for use as space for recreational activities such as exercise and dance classes. The lease term would be for a one year lease with a one year renewal clause for a cost of \$1,000.00 per month (including utilities).

The Town Administrator noted that the use of this facility would allow for greater participation and increased revenue for the Town.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to submit an application for a special use permit for 32 Pemberton Avenue to the Zoning Board of Review to allow the unit to be used as a recreational facility for dance classes and exercise activities. So unanimously voted.

It was the consensus of the Council to put the use of 32 Pemberton Avenue for recreational activities on the September 25, 2006 Council agenda.

7) Approval for use of Melrose Avenue for filming a Disney Production  
Previously discussed.

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

Attest:

Arlene D. Petit  
Town Clerk

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