

TOWN COUNCIL MEETING
September 11, 2006

At 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 DiGiando, Vice President
William A. Kelly
Michael Schnack
Barbara A. Szepatowski

also present:

Thomas P. Tighe, Police Chief
Arlene D. Petit, Town Clerk
Christina Collins, Finance Director
A. Lauriston Parks, Town Solicitor

In recognition of the victims and their families lost on September 11, 2001, Council President Long asked for a moment of silence.

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

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, 3(b), 6 and 8 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) August 28, 2006 (regular meeting)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Board of Canvassers (06/21/2006)
 - b)
- 4) CRMC Notices:
 - a) September 2006 Calendar
 - b) Application from Richard & Dawn Hines, 1088 East Shore Road, Plat 1, Lot 371 to construct and maintain a residential boating

facility (scheduled for Jamestown Harbor Commission meeting of September 13, 2006)

- 5) Education Exchange re: invitation to ribbon cutting September 16, 2006
- 6)
- 7) GZA GeoEnvironmental, Inc. re: June 2006 Environmental Monitoring Report of the Former Jamestown Landfill
- 8)

2) Bills and Payroll

Councilor Kelly requested additional information on the following list of bills:

70090.901 Bakers Pharmacy (health benefits for 08/2006 \$2,363.49

The Finance Director informed the Council that the payment to Baker's Pharmacy is the Town's contribution to the prescription drug program. The amount of payments is established through contractual agreements.

70310.313 Conanicut Marine Service, Inc. \$424.52

Chief Tighe informed the Council that the payment made to Conanicut Marine Service, Inc. was to cover the cost of engine repairs to the police boat.

21000.757 BSN – 15' bleacher \$1,758.00

The Finance Director noted that donated funds from the Lion's Club were deposited into the Town's reimbursable account and payment was made for the bleaches through that account.

70800.310 Jamestown Hardware- twenty 5' picnic tables \$2,369.91

The Finance Director stated that the picnic tables for Fort Getty were ordered mid-August and have now been delivered.

3) Minutes from Boards, Commissions and Committees:

- b) Jamestown Harbor Commission (06/07/2006)

Councilor Kelly noted that the Harbor Commission minutes mention a problem in the East Ferry area caused by the early closure of the restrooms at the Community Center.

Councilor DiGiando stated that this concern was previously addressed by the Town Council and to his knowledge, the restrooms have remained open for use by the public.

6) Economic Development Corporation re: scheduled workshops

Councilor Kelly suggested that Council members may want to attend the scheduled workshops in order to help improve business development in the Town of Jamestown.

8) Abatements/Addenda of Taxes

Councilor Kelly asked for an explanation for the list of uncollectible taxes on the memorandum of abatements and addenda from the Tax Assessor.

The Finance Director explained that these particular abatements are for motor vehicles which, for the most part, are former residents that did not reregister their vehicles to new

addresses. The Town makes an attempt to collect back taxes; however, this is the manner in which they are taken off the Town records as uncollectible.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept items number 2, 3(b), 6 and 8. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator Report

There was no action or discussion on the report.

PUBLIC HEARING

- 1) Proposed amendment to Chapter 70 of the Code of Ordinances Sections 70-25 and 70-88 re: prohibited parking within eight feet (8') of a fire hydrant

It was moved by Councilor Schnack, seconded by Councilor DiGiando to open the public hearing at 7:15 PM on the proposed amendment to Chapter 70 of the Code of Ordinances, sections 70-25 and 70-88 relating to prohibited parking within eight feet (8') of a fire hydrant. So unanimously voted.

The Town Solicitor informed the Council that the ordinance, as submitted, is in accordance with Rhode Island General Law.

Chief Tighe stated that the ordinance would allow the Town to receive the revenue from any violation to this ordinance.

Council President Long invited the public to comment.

There being no comments, it was moved by Councilor DiGiando, seconded by Councilor Schnack to close the public hearing at 7:20 PM.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to adopt the amendment to the Jamestown Code of Ordinance relating to Chapter 70, Sections 70-25 and 70-88, prohibiting parking within eight feet (8') of a fire hydrant. So unanimously voted.

- 2) Proposed amendment to Chapter 42 of the Code of Ordinances entitled "Beaches and Other Water Related Facilities" adding a new section relating to parking at Jamestown Shores (or "Head's) Beach

It was moved by Councilor DiGiando, seconded by Councilor Schnack to open the hearing on the proposed amendment to Chapter 42 of the Code of Ordinances entitled

“Beaches and other Water Related Facilities” adding a new section relating to parking at Jamestown Shores (or “Head’s) Beach at 7:22 PM. So unanimously voted.

Chief Tighe informed the Council that the proposed ordinance was drafted by the Town Solicitor in accordance with State and Federal guidelines. In addition, passage of the proposed ordinance was recommended by the Traffic Committee and the Recreation Director. Chief Tighe stated that as proposed the ordinance would require a nontransferable resident/nonresident sticker for parking at the Jamestown Shores Beach.

Council President Long opened the hearing for public comments.

Charlotte Zarlengo, Seaside Drive, spoke in support of the proposed amendment.

Gary Girard, Seaside Drive, spoke in support of the proposed ordinance.

Hazel Turley, Seaside Drive, stated that the people that live in the Jamestown Shores have deeded beach rights to the Head’s Beach property as well as the rights-of-way along Seaside Drive. These rights-of-way should be maintained by the Town.

Richard Ventrone, Nautalis Street, spoke in favor of the ordinance and suggested that residents purchase only one sticker for all beaches and nonresidents be allowed to purchase a sticker for only Head’s Beach.

Robert Gibbs, Frigate Street, expressed his concerns that because he does not have off-street parking he would no longer be able to park on Seaside Drive or Frigate Street. Mr. Gibbs stated that he did not believe that the ordinance was necessary because the only time the parking lot is full is on a Saturday or Sunday between 2:00 – 4:00 PM.

Phillip Zarlengo, Seaside Drive, urged the Council to adopt the ordinance.

Jill Anderson, West Reach Drive, questioned if it would be necessary for residents to purchase a separate sticker for Head’s Beach. Ms. Anderson raised concern that there were too many stickers required on resident cars.

Kate Smith, Spanker Street, suggested that the nonresident’s fee should be higher than what is charged for a resident sticker.

Anita Girard, Seaside Drive, asked if the Town is obliged to provide parking at Head’s Beach.

Kristen Kennedy, Lugger Street, suggested that the Town mark parking spaces for residents and nonresidents. In addition Ms. Kennedy suggested that the \$15.00 fee for residents be used at all beaches and \$30.00 for nonresidents for just Head’s Beach.

Sav Rebecchi, Sail Street, addressed the issue of rights-of-way in the Jamestown Shores and noted that Head’s Beach is the most accessible. In addition Mr. Rebecchi stated that

he would be more inclined to support beach stickers if Head's Beach was a full town-owned beach.

Arthur Boulet, Lugger Street, spoke in favor of the ordinance.

There being no further public comment, it was moved by Councilor DiGiando, seconded by Councilor Schnack to close the public portion of the hearing. So unanimously voted.

In addressing the concerns of residents, the following comments were made:

The proposed ordinance does not address parking on Seaside Drive, nor does the ordinance affect access to the rights-of-way on Seaside Drive. There could be one sticker issued for residents that would give access to Mackerel Cove, Fort Getty and Head's Beach. Nonresident stickers would only give access to Head's Beach.

As indicated by the Town Solicitor, the regulations specifically state that a nonresident's charge cannot exceed twice what a resident is charged. Alternately, Mr. Parks noted that if a resident was not charged for a sticker, then a nonresident would be required to pay no more than what the Town would charge a resident at a comparable facility, such as what a resident would pay at Mackerel Cove.

Chief Tighe answered questions regarding the monitoring of parking at Head's Beach, stating that signage would be required to inform the users of the beach that parking stickers are required. The parking monitor would then be assigned to patrol the beach parking area.

Discussion continued, addressing other concerns. Councilor Schnack spoke against the proposed ordinance stating that there are no public facilities at Head's Beach. In addition Councilor Schnack asked if this ordinance passes, and in conjunction with the proposed ordinance yet to be heard, limiting parking on Seaside Drive, would parking be pushed further up into the Shores area.

Councilor Szepatowski stated that it is understood that because the beach was purchased by State and Federal money, nonresidents as well as residents are assured access; however, other issues should be addressed, such as trash removal and the maintenance and cleaning of the area.

Councilor Schnack inquired if Head's Beach would be treated the same as Mackerel Cove, allowing access after 5:00 PM.

In answer to a question by Councilor Kelly, Councilor DiGiando noted that there are no parking stickers required off season.

Council President Long stated that he was in support of the ordinance stating that because Jamestown taxpayers support the maintenance of the island beaches he would be in favor of issuing stickers to nonresidents at a higher cost than to residents.

In an attempt by the Council to identify the exact location of the parking area, the Town Solicitor advised that the parking area could be identified after the fact by the Town engineer.

It was the consensus of the Council to make the following changes to the proposed amendment:

Section 42-62 (b)

Dates and times must be added, consistent with those already established for Mackerel Cove;

Parking area to be designated;

Allow for the use of the resident sticker to be used at Mackerel Cove Beach, Fort Getty and the Jamestown Shores Beach; and

A nonresident sticker to be issued for Head's Beach only.

At the conclusion of the public hearing, it was moved by Councilor DiGiando, seconded by Council President Long to adopt the proposed ordinance amending Chapter 42 of the Jamestown Code of Ordinance entitled "Beaches and other Water Related Facilities" adding Section 42-62. Parking at the Jamestown Shores (or "Head's") Beach with the changes as proposed by consensus of the Council at this public hearing. It was voted, Councilor DiGiando, aye; Councilor Kelly, nay, Councilor Schnack, nay; Councilor Szepatowski, aye; Council President Long, aye. The proposed amendment passed with three in favor and two opposed.

ORDINANCES AND RESOLUTIONS

- 1) Resolution No. 06-013 authorizing loan application and loan agreement with Rhode Island Clean Water Protection Finance Agency and authorizing the issuance of up to \$6,200,000 bonds and notes of the Town of Jamestown to finance the construction, extension and improvement of a Water Works System

The Finance Director stated that in 2005 the Jamestown voters authorized the issuance of up to \$6,200,000 in bonds and notes to finance the construction, extension and improvement of water works system in the Town of Jamestown. This resolution, as presented, authorizes the loan application and loan agreement with Rhode Island Clean Water Protection Finance Agency.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the adoption of Resolution No. 06-013 authorizing loan application and loan agreement with the Rhode Island Clean Water Protection Finance Agency for the issuance of up to \$6,200,000 in bonds and notes of the Town of Jamestown to finance the construction, extension and improvement of a Water Works System. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) The Honorable Donald L. Carcieri re: award of a grant in the amount of \$53,150.00 to the Town of Jamestown from the Rhode Island Community Development Block Grant Program

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the award of a grant in the amount of \$53,150.00 to the Town of Jamestown from the Rhode Island Community Development Block Grant Program. So unanimously voted.

- 2) Sunset Farm Homeowners Association re: buildings located at 101 Gondola Avenue

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the communication from Sunset Farm Homeowner Association. So unanimously voted.

Chief Tighe informed the Council that the Building Official has been in contact with the owners of the property in question and has required that the building be boarded up and fenced. Chief Tighe reported that the owners have complied with the Building Officials request.

It was the consensus of the Council to instruct the Chief to respond to the Sunset Farm Homeowners Association.

- 3) Constance Andrews re: Jamestown Community Theatre and Recreation Director Matt Bolles

It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the letter from Constance Andrews. So unanimously voted.

- 4) Barbara S. Haskell re: Jamestown Community Theatre and Recreation Director Matthew Bolles

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from Barbara S. Haskell. 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 with Vendors Application:
 - a) Application of the **Jamestown Rotary Club** dba: Jamestown Classic Bike Race to hold its annual bike race on Monday, October 9, 2006 from 7:00 am to 4:30 pm. Race will start and finish at BankNewport and traffic control and the use of a public facility will be needed. *Application is complete, race route attached and insurance policy submitted*
 - i) Memorandum from Matt Bolles, Parks and Recreation Director

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Exhibition license with vendors for the Jamestown Rotary Club Classic Bike Race on Monday October 9, 2006 from 7:00 am to 4:30 pm. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Council President Long to accept the memorandum from the Parks and Recreation Director. So unanimously voted.

OPEN FORUM

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

Leo Errara, Riptide Street, explained that his boat trailer broke down at Fort Getty and he was told that he could not park in the cement parking area because the people staying at Fort Getty rent those parking spots. Mr. Errara stated that as a taxpayer in the Town of Jamestown, he should have the right to use those parking spots.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Conservation Commission; two (2) vacancies exist; one (1) with a term ending 12/31/2007 and one (1) with a term ending 12/31/2009; duly advertised
 - a) Letter from Christopher Powell, Commission Chair re: notification of vacancy

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from Christopher Powell. So unanimously voted.

- b) Letter of resignation from Steve Ryba (previously submitted and accepted by the Town Council on July 24, 2006)

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter of resignation from Steve Ryba. So unanimously voted.

- c) Letters of interest
 - Cathy Roheim
 - Michelle K. Estaphan
 - Mark Baker

It was moved by Councilor Schnack, seconded by Councilor Kelly to appoint Mark Baker to the Conservation Commission with a term ending December 31, 2009 and to appoint Cathy Roheim to the Conservation Commission with a term ending December 31, 2007. So unanimously voted.

UNFINISHED BUSINESS

- 1) Disney Productions
 - a) Location schedule and plans (continued from 08/28/2006)

Chief Tighe informed the Council that there was no additional information to report at this time.

NEW BUSINESS

- 1) 2006 Narragansett Bay and Watershed Restoration Grant request for \$100,000.00 to construct a new Salt Storage Facility for the Jamestown Department of Public Works (per Town Administrator)

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve the request to submit a grant application for the \$100,000.00 Narragansett Bay and Watershed Restoration Grant for 2006, to be used to construct a new salt storage facility. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn at 8:45 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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