

TOWN COUNCIL MEETING
January 22, 2007

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 Town Council Vice President Julio J. DiGiando. The following members were present:

William A. Kelly
Michael Schnack
Barbara A. Szepatowski, arrived at 7:10 PM

absent: Council President David J. Long

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Lisa W. Bryer, Town Planner
Michael Gray, Town Engineer

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 item number 2 be removed from the Consent Agenda. It was moved by Councilor Schnack, seconded by DiGiando to accept the Consent Agenda as amended. It was voted three in favor with Councilor Szepatowski absent for this vote. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) January 8, 2007 (regular session)
 - b) January 8, 2007 (work session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Conservation Commission (11/14/2006)
- 4) CRMC Notices:
 - a) January 2007 Calendar
- 5) RI Division of Planning

a) Executive Summary of Land Use 2025

6) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly reviewed the following bills:

11000.721 Gates Leighton & Assoc. (streetscape 7/06-11/06) \$13,831.43

The Town Administrator noted that this project is funded by approximately \$650,000.00 in transportation enhancement grant money. The \$13,831.43 is continued payments to the Town’s Landscape Architect, Gates Leighton & Associates. The project is slated for spring 2008. The Town Administrator clarified that these funds are through Federal grants and is not local funds.

11000.715 AFA Protective Systems (CCTV equip. Police Sta.) \$22,200.00

The Town Administrator informed the Council that the funds for the purchase of cameras came from Homeland Security funding.

21000.851 Jamestown Community Theatre (production costs storage container reimbursement) \$ 8,600.00

The Town Administrator noted that the Town holds approximately \$15,000.00 in receipts from Jamestown Community Theatre productions. The \$8,600.00 is reimbursement of a portion of those funds.

70801.396 AAA Mobile Warehousing Co, Inc. (storage trailer) \$ 2,195.00

The Town Administrator stated that a portion of the trailer is used for storage for the Jamestown Community Theatre and a portion is used by the Jamestown Recreation Department (two pods). The above amount is for the Theatre’s cost.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the Bills and Payroll as presented. It was voted three in favor with Councilor Szepatowski absent for this vote.

EXECUTIVE SESSION ANNOUNCEMENT

1) Pursuant to RIGL 42-46-5 (a) (1) personnel

a) Town Administrator evaluation

Councilor DiGiando announced that the Council would not meet in executive session this evening.

Councilor Szepatowski arrived at 7:10 PM

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

1) Town Administrator’s report (verbal)

Sole Source Aquifer

The Town Administrator reported that Douglas Heath, EPA Administrator for the Sole Source Aquifer Program, has been invited to a special Water Resource Protection Committee meeting scheduled for Tuesday at 2:30 PM. Mr. Heath will review regulations and answer questions.

- 2) Jamestown Buildings and Facilities Committee re: updated committee agenda

No action taken.

- 3) Library Board of Trustees re: request for change in term ending date

- 4) Library Board of Trustees charge and members (from Town Clerk)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to change the term ending date for Heidi Moon to 12/31/2009 to a term ending date of 12/31/2007. So unanimously voted.

Councilor DiGiando requested that a new business item be moved up on the agenda. There being no objection, item number 2 was moved up on the agenda.

New Business

- 2) Notice of proposed ISDS requiring variance from ISDS regulations
 - a) David and Marina Thurston Application #9815-1109 to install and operate a proposed ISDS to dispose of sanitary wastes from a proposed dwelling on property located on Tax Assessor's Plat 16, Lot 12 located on Seaside Drive (property owner duly notified of agenda item; request to RIDEM for comment extension to 01/26/2007)
 - i) Report from Town Engineer, Michael Gray and Town Environmental Scientist, Justin Jobin opposing the granting of variances
 - ii) Copy of letter from John and Joan Regan to Russell Chateaufneuf, Chief, Groundwater and Wetlands Protection, opposing the granting of variances

Councilor DiGiando noted that there was a previous ruling in Superior Court for a wetlands variance request, whereby, Mr. and Mrs. Thurston were not properly notified that the item was on the Council's agenda for action. Councilor DiGiando stated that this is a different request and the Thurstons have been properly notified and are present this evening.

Report from Michael Gray, Town Engineer

The Town Engineer discussed a draft memorandum prepared for the Council's consideration. Mr. Gray addressed the variance requests submitted by Frisella Engineering, Inc. to RIDEM on behalf of David W. and Marina A. Thurston, stating that it was his intent to request that RIDEM enforce their regulations and not grant the requests for variances. Of prime concern to the Town is the lack of sufficient additional area available for the replacement of the disposal field in case of failure. In addition, because of the high water table and close proximity to wetlands, the existing well on the

adjoining lot to the south, it is imperative, in the interest of public health for the applicant to meet the 100' setback from the proposed well and to the proposed and existing leachfields, as well as 25' setback from the proposed water supply line to the proposed leachfield, and the 10' setback from the property line to the proposed leachfield. Non-adherence to the RIDEM Regulations could cause a threat to the health and safety of the community.

Council members shared their concerns regarding the number of variance requests and the possible impact on the health and safety of abutting properties.

Councilor Szepatowski suggested sending the memorandum addressing the Town's concerns, as drafted by the Town Engineer and the Town Environmental Scientist, to Mr. and Mrs. Thurston's engineer for a response prior to forwarding those concerns to RIDEM. It was the consensus of the Council that the Town, an abutting property owner, should be sending our concerns to RIDEM.

The Town Administrator added that the Town will have ample opportunity to deal directly with the engineer and owner regarding compliance with local ordinances, through the Planning Commission and Zoning Board of Review process.

Mr. Thurston commented that Mr. Frisella could address any concerns that the Council might have. Mr. Thurston stated that he did not believe the Town Engineer was able to answer the Council's concerns. Such as, Mr. Gray could not answer questions pertaining to the design of the system or repair process for the system in case of failure. These questions could be answered by Mr. Frisella.

It was moved by Councilor Schnack, seconded by Councilor Kelly to forward to the RIDEM the memorandum regarding ISDS Variance Application #9815-1109 from Michael Gray and Justin Jobin as submitted to the Town Council. It was voted three in favor with Councilor Szepatowski recusing.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Resolution endorsing the submission of an application to the HOME Program administered by the RI Housing for the development of affordable housing at 44 Southwest Avenue. Grant funds will be used in conjunction with other governmental funding sources to support the construction of 12 to 14 affordable units. (if favorable, motion to direct the Town Administrator to submit a letter of support)

The Town Planner informed the Council that she has been working closely with Church Community Housing in the development of 12 units as affordable housing at 44 Southwest Avenue. Ms. Bryer also noted that 44 Southwest Avenue is in the Affordable

Housing Plan which was adopted by the Town Council in 2004. Ms. Bryer stated that the Town would receive fair market value for the property. Ms. Bryer informed the Council that in order to proceed with plans, a resolution endorsing the submission of an application to the HOME Program is needed, as well as an appraisal to establish the market value of the property. Funding for this project would come from numerous sources; local money put aside for affordable housing, Community Development Block Grant funds, and state and federal funding.

Bridget Ryan, Senior Project Manager, Church Community Housing Corporation, explained some of the funding expected for the project. Applications for funding will be submitted to Rhode Island Housing for the maximum amount of \$500,000. These are federal funds administered by the state. There will be an application for funding through Low Income Housing Tax Credits in the amount of \$770,000, as well as funding from Rhode Island Housing, Solar Hot Water Funding, and Community Development Block Grant. Development cost for a project of this type would be approximately \$2,700,000.

Answering questions relating to the ownership and management of the property, Ms. Ryan stated that there would be a limited partnership created specifically for the project between a controlling general partner appointed by Church Community Housing, and a tax credit syndicate, such as National Equity Fund. Church Community Housing would control the project.

Councilor Kelly clarified that the request before the Council is for an application for funding only. There are no plans at this time. The Town Planner noted that the Planning Commission would be very much involved in this project. The Town Planner also noted that this project would put Jamestown on target with the goals for affordable housing.

Ms. Ryan noted that it would be possible, at the initial rental period, to allow a Jamestown preference for units. Ms. Ryan stated that she would expect this to be a twelve month construction period and would hope that it could be started towards the end of 2007.

The Town Administrator stated that the Town could move forward with the appraisal and purchase and sales agreement prior to the Town vacating the property.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to support the construction of 12 affordable units at 44 Southwest Avenue and to endorse the submission of an application to the HOME Program for the development of affordable housing. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Letter from Bill and Betsy Hamel, 10 Pemberton Avenue re: problems relating to a movie production based in residential area

Mr. Hamel was invited to address the Council regarding the problems brought on by the movie production base camp being located at the Portuguese American Citizen's Club.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from Bill and Betsy Hamel. So unanimously voted.

Mr. Hamel asked that the Council consider what his family and other neighbors went through for the months that the production crew was located in a residential area before allowing this to happen again.

- 2) Letter from Carol Nelson-Lee, Rolling Agenda re: request for \$3000.00 to \$5000.00 contribution towards the creation of bike paths on the island

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Rolling Agenda. So unanimously voted.

Carol Nelson-Lee stated that Rolling Agenda is raising funds to conduct a study to address deficits and make improvements on and around the Jamestown school grounds and improve pedestrian, bicycle, auto and bus traffic flow around the perimeter and between the schools. This initiative will benefit the entire community.

It was the consensus of the Council that the request for funding from the Rolling Agenda be continued and that the Town Administrator facilitate a work session for the Council with representatives from RIDOT and Rolling Agenda. Councilor Kelly indicated that the US Parks Services has expressed an interest in providing information. In addition, the Council agreed that this request for funding should be included in the 2007/2008 budget.

- 3) Letter from Alexander "Sandy" Wood re: method used for collection of taxes and determining interest on a delinquent installment

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the letter from Alexander "Sandy" Wood. So unanimously voted.

The Town Administrator ensured the Council that taxes and interest are collected in the manner allowed by State Law.

- 4) Notification from The Trust re" award of Safety Enhancement Grant in the amount of \$1,000.00 to the Jamestown Sewer Department

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the notice of the award of Safety Enhancement Grant in the amount of \$1,000. 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.

None

OPEN FORUM

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

Representative Long gave an update on existing and upcoming legislation.

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2) Non-scheduled request to address

Charles Flagg, Lugger Street, inquired about the purchase of land by British Petroleum across the Bay for the purpose of considering an LNG facility.

Christopher Powell, Conservation Commission Chair, asked if the Council would put a representative from the Conservation Commission on the Wind Energy Committee.

Louis Erara, Riptide Street, informed the Council that the drain installed on Hill Street is not working and is not solving the problem with water being pumped out by a Hull Street property owner.

Norma Willis, North Main Road, stated that she was in favor of the affordable housing project at Southwest Avenue, but is concerned with impediments such as the wetlands in the rear of the property and the Indian artifacts that might be disturbed.

The Town Administrator answered that Church Community Housing will be working closely with the Narragansett Indians on any impact or evaluation of the project.

Susan Little, North Main Road, expressed her dissatisfaction with the brush cutting along North Main Road and asked that the brush cutting not be done along private property.

Jill Anderson, West Reach Passage, asked what the cost was in property damage to vehicles involved in accidents with deer.

APPOINTMENTS AND RESIGNATIONS

- 1) Zoning Board of Review (One (1) vacancy for alternate #3 member with a one-year term ending December 31, 2007); if favorable, appoint
 - a) Letters of interest
 - i) Phillip E. Brian
 - ii) Richard Allphin

It was moved by Councilor DiGiando, seconded by Councilor Schnack to appoint Richard Allphin to the Zoning Board of Review as the alternate #3, with a term ending December 31, 2007. So unanimously voted.

- 2) Board of Canvassers vacancies
 - a) Memorandum from Town Clerk

It was the consensus of the Council to request when communicating with the local political committees, the Clerk request a list of qualified individuals in order of preference.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 2) Lease of real property
 - a) Golf Course lease

No action taken. This item will be continued to the next Town Council agenda in February.

- 3) Notice of proposed ISDS requiring variance from ISDS regulations
 - a) David and Marina Thurston Application #9815-1109 to install and operate a proposed ISDS to dispose of sanitary wastes from a proposed dwelling on property located on Tax Assessor's Plat 16, Lot 12 located on Seaside Drive (property owner duly notified of agenda item; request to RIDEM for comment extension to 01/26/2007)
 - i) Report from Town Engineer, Michael Gray and Town Environmental Scientist, Justin Jobin opposing the granting of variances
 - ii) Copy of letter from John and Joan Regan to Russell Chateauf, Chief, Groundwater and Wetlands Protection, opposing the granting of variances

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

This item was previously addressed.

EXECUTIVE SESSION

None

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn at 8:30 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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