

TOWN COUNCIL MEETING
October 9, 2007

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall, 93 Narragansett Avenue at 7:00 PM by Town 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
Peter D. Ruggiero, Town Solicitor
Abigail Anthony, Wind Energy Committee
Robert Bowen, Wind Energy Committee
Donald Wineberg, Chair, Wind Energy Committee
Clayton Carlisle, Wind Energy Committee
Michael Larkin, Wind Energy Committee

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.

- 1) **Request for Motion** to set Alcoholic Beverage License limits for 2007-2008

It was moved by Councilor DiGiando, seconded by Councilor Schnack to set the Alcoholic Beverage License limits for 2007 – 2008 as presented.

2007 – 2008 Alcoholic Beverage License Limits

Class A	2
Class BV	8
Class BT	1
Class D	1

Total Alcoholic Beverage Licenses 12

So unanimously voted.

- 2) 2007-2008 Alcoholic Beverage License establishments list with additional licenses held

There was no Council action taken.

- 3) **Request for Motion** to advertise transfer corporate stock holders in the Jamestown Press in the October 11th & 18th editions for a public hearing on **November 13, 2007**:

TRANSFER OF CORPORATE STOCK HOLDERS:

CLASS B-VICTUALER

SeaDish, Ltd.

dba: Tricia's Tropigrille

14 Narragansett Avenue

Patricia Masso: 250 shares

Charles Masso: 250 shares

AND

Islandish, Ltd.

dba: Chopmist Charlies

40 Narragansett Avenue

Charles Masso: 250 shares

Patricia Masso: 250 shares

NEW CORPORATE STOCK HOLDERS:

CLASS B-VICTUALER

SeaDish, Ltd.

dba: Tricia's Tropigrille

14 Narragansett Avenue

Patricia Masso: 500 shares

AND

Islandish, Ltd.

dba: Chopmist Charlies

40 Narragansett Avenue

Charles Masso: 500 shares

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to advertise the transfer of corporate stock holders for SeaDish, Ltd., dba: Tricia's Tropigrille and for Islandish, Ltd., dba: Chopmist Charlies in the Jamestown Press for a public hearing on November 13, 2007. So unanimously voted.

The Town Clerk informed the Council that holding a hearing on November 13 would require the present Council to sit as the Alcoholic Beverage Licensing Board because the election for the new Council would not be certified by the Board of Canvassers until after November 14 at 4:00 p.m.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski that the present Council would meet on November 13, 2007. So unanimously voted.

- 4) **Request for Motion** to advertise in the Jamestown Press in the October 11th & 18th editions for a public hearing on **November 13, 2007**:

Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following RENEWALS have been received

by the Town Council for licenses under said Act, for the year December 1, 2007 to November 30, 2008:

RENEWAL:

CLASS A (PACKAGE STORE) - RETAIL

Grapes & Gourmets, Inc.
dba: Grapes & Gourmets
9 Ferry Wharf

Varsha, Inc.
dba: Jamestown Wine & Spirits
30 Southwest Avenue

CLASS B – TAVERN

Long Wharf Marina Restaurant, Inc.
dba: The Bay Voyage
150 Conanicus Avenue

CLASS B – VICTUALER

Alexander Enterprises, Inc.
dba: Narragansett Café
25 Narragansett Avenue

Islandish, Ltd.
dba: Chopmist Charlies
40 Narragansett Avenue

Jamestown Oyster Bar, Inc.
dba: Jamestown Oyster Bar
22 Narragansett Avenue

New England Golf Course Management, Inc.
dba: Jamestown Golf and Country Club
aka: the Caddy Shack
245 Conanicus Avenue (lower level rear)

Portuguese American Citizen's Club
dba: Portuguese American Citizen's Club
11 Pemberton Avenue

SeaDish, Ltd.
dba: Tricia's Tropicgrille
14 Narragansett Avenue

Slice of Heaven, Inc
dba: Slice of Heaven
32 Narragansett Avenue

Trattoria Simpatico, Inc.
dba: Trattoria Simpatico
13 Narragansett Avenue

CLASS D FULL (CLUB)

Conanicut Yacht Club
40 Bay View Drive

It was moved by Councilor Schnack, seconded by Councilor Szeptowski to advertise the liquor license renewals as presented, for hearing on November 13, 2007. So unanimously voted.

It was moved by Councilor Schnack, seconded by Councilor Szeptowski to adjourn the meeting of the Alcoholic Beverage Licensing Board. So unanimously voted.

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

- 1) Adoption of Council minutes:
 - a) September 24, 2007 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Conservation Commission (07/10/2007, 08/16/2007)
 - b) Tree Preservation and Protection Committee (08/21/2007)
 - c) Zoning Board of Review (08/28/2007)
- 4) CRMC Notices:
 - a) Agenda – Amended #3 (09/25/2007)
 - b) Calendar, October 2007 – Amended
 - c) Notice of Violation re: Scott and Julia Green, 122 Spaulding Avenue, Brooklyn, CT for property located at 7 Seaside Drive, Plat 14, Lot 20 – unauthorized construction of a deck on a coastal feature without benefit of a CRMC assent or in violation of a Council Order
- 5) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly requested additional information on the following accounts:

Legal Services

70050.201	Carolyn A. Mannis, Esq.	\$2,000.00
70050.201	A. Lauriston Parks	\$5,494.35
70050.201	Peter D. Ruggiero	\$4,200.00

c) Beavertail Lighthouse expenses

The Town Administrator informed the Council that information is still being gathered and that he would forward a report upon completion.

d) Proccacianti property – letter of support re: agricultural use

The Town Administrator reported that the Town has not been advised as to the outcome of the restoration plan submitted to Coastal Resources Management by the Proccacianti family. The Town Administrator stated that the violation it is being discussed by the Conservation Commission and suggested that he report back to the Council with their recommendation at the October 22, 2007 meeting.

e) Highway Barn update

The Town Administrator reported that GZA will be reviewing the highway barn site to determine if there is any lead contamination in the soil and if so, what action needs to be taken. The Town Administrator also reported that he has provided the material specifications for the highway facility to the Rhode Island Turnpike and Bridge Authority for their review and expects that they will act on the Purchase and Sales Agreement at their meeting scheduled for this Wednesday.

f) Country Club – reuse

The Town Administrator informed the Council that the lease for property located at Pemberton Avenue will be discontinued, with the recreation classes moved to the upper floor of the golf course building. The Town Administrator recommended that in considering potential revenues, a request for proposals be advertised to determine the most cost effective use of the upper floor of the golf course building for the future.

g) Wind Energy Feasibility Study funding

The Town Administrator noted that funding for the wind energy feasibility study will be discussed under unfinished business.

2) Town Clerk Memorandum re: Sealer of Weights and Measures

The Town Clerk reviewed the memorandum informing the Council that Jim McLoughlin, Sealer of Weights and Measures, has retired.

The Council discussed the possibility of appointing an individual to the sealer position from a list of certified sealers or the possibility of appointing a Jamestown resident who would commit to attending classes for certification.

It was the consensus of the Council to request additional information for the October 22 Council meeting, on the cost of certification for a sealer and information on the possibility of hiring a temporary sealer for immediate inspections.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

None

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) **Request for Motion** to advertise for extended hours [according to RIGL 5-24-1 (a) & (b)] in the Jamestown Press in the October 11th, 18th & 25th editions for a public hearing on **November 13, 2007**:
 - a) NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on the 13th of November 2007 at 7:00 p.m. at the Jamestown Philomenian Library Conference Room, 26 North Road, Jamestown, RI pursuant to 5-24-1 of the General Laws of Rhode Island, 1956, and as amended, upon the following application:

RENEWALS:

Drake Petroleum Company, Inc.
dba: Jamestown Xtra Mart
35 Narragansett Avenue
Plat 9 Lot 246

Cumberland Farms, Inc.
dba: Cumberland Farms Store #1108
41 North Main Road
Plat 8 Lot 626

APPLICATION OF DRAKE PETROLEUM COMPANY, INC., Inc. dba: Jamestown Xtra Mart, for renewal of additional operational hours between 2:00 AM and 6:00 AM for the said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open 24 hours per day.

APPLICATION OF CUMBERLAND FARMS, INC., dba: Cumberland Farms Store #1108, for renewal of additional operational hours between 5:00 AM and 6:00 AM for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open from 5:00 AM to 2:00 AM daily (RIGL 5-24-1 allows this establishment to be open until 2:00 AM).

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to advertise a public hearing to be held at the Jamestown Town Hall, 93 Narragansett Avenue on November 13, 2007 for the renewal of extended hours for Drake Petroleum Company, Inc., dba: Jamestown Xtra Mart and for Cumberland Farms, Inc., dba: Cumberland Farms Store #1108. So unanimously voted.

- 2) **Exhibition License with Vendors Application**

- a) Town of Jamestown Recreation Department
Jack O’Lantern Jog (race route attached)
October 28, 2007; 12:00 p.m. to 4:30 p.m.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Exhibition License with Vendors Application for the Town of Jamestown, Recreation Department, Jack O’Lantern Jog to be held on October 28, 2007; 12:00 p.m. to 4:30 p.m. So unanimously voted.

- b) **Conanicut Island Land Trust**
Concert – Walkin’ Jim Stoltz
October 12, 2007; 8:30 a.m. to 3:00 p.m., Melrose Avenue School
October 13, 2007; 7:00 p.m. to 9:00 p.m., Community Center

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Exhibition License with Vendors Application for the Conanicut Island Land Trust for a concert to be held on October 12, 2007; 8:30 a.m. to 3:00 p.m., Melrose Avenue School October 13, 2007; 7:00 p.m. to 9:00 p.m., Community Center and to waive the fee. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: Legislative Update

Representative Long presented information relating to several Rhode Island issues.

- b) Anthony DeLuca re: Jamestown Verrazano Bridge Emergency Access

Anthony DeLuca, Saunderstown, representing the North Kingstown Coastal Preservation Association, hand delivered a memorandum entitled “*the real potential for the destructive battering ram effects on the Jamestown Verrazano bridge, struck by a new fishing-pier-park, to be built at a distance of some 150’ from, and running parallel to the Jamestown-Verrazano bridge, and the urgent recommendations on how to avoid such chaotic and inevitable hurricane driven consequences, by permanently terminating any plans for the construction of said pier, at or near the Jamestown-Verrazano bridge.*” Mr. DeLuca asked that the Council support their position and forward a copy of the memorandum to State Legislatures.

- 2) Non-scheduled request to address

Donald Kern, Saunderstown, engineering expert for the North Kingstown Coastal Preservation Association, reported on the battering ram effects and structural integrity of the bridge.

Sav Rebecchi, Sail Street, stated that there is cumulative impact to the wetlands in the southern part of the Jamestown Shores and requested that the Council consider acquiring undeveloped lots in that area for the protection of those wetlands.

Charlotte Zarlengo, Seaside Drive, asked that the Jamestown Shores residents be given a chance to address any proposed amendments to the Harbor Plan that will affect the Shores prior to any Council action being taken.

Varaoujan Karentz, Clarkes Village, Beavertail Lighthouse Museum Association, stated that the Master Plan for the Lighthouse details future repairs and preservation of the lighthouse buildings along with the expansion of the museum for an estimated cost of \$1,100,000. Mr. Karentz noted that to date, the association has applied for grants totaling \$350,000.

Joy Vieira, owner of Ace's Pizza, asked if the Council would allow an additional BV Limited Class liquor license. The Town Solicitor advised that any consideration of an increase in liquor licenses should be put on the Council agenda prior to any consideration.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Harbor Commission (continued from 9/24/2007)
 - a) Budget process

The Town Administrator reported that following the work session with the Harbor Commission and the Town Council and after reviewing the Harbor Management Plan and the Harbor Ordinance, it is clear the intent of the Council has always been that the Harbor Commission acts in an advisory capacity in the budgeting process to the Administration and Council. The Town Administrator noted that the ordinance specifically stipulates that the operating account, funded from mooring and outhaul fees, and harbor fines, etc., is segregated from the town's general fund. The Town Administrator noted that there are questions as to whether, for accounting purposes, these funds should be included in the general fund; either way, those are operational funds from harbor revenue and are used to cover the harbor operational budget. The Town Administrator stated that he would forward a memorandum to the Council with his recommendations with respect to changes in the provisions and language within the ordinance and plan.

The Town Administrator noted concerns regarding the harbor capital maintenance fund used for the upkeep of the waterfront infrastructure. The capital fund revenue, which amounts to approximately \$65,000.00 per year, is generated through the leasing at East Ferry and West Ferry marinas. With the maintenance of the existing harbor facilities and any planned upgrades and improvements to these facilities in excess of the capital fund revenue, the Town Administrator stated that consideration should be given to including this budgeting process in the Town's major capital budget priorities.

The Town Administrator suggested that there is some minor language changes that could be made to accomplish this clarification. It was the consensus of the Council that a report

be presented to the Council for their consideration at the November 13, 2007 Council meeting.

b) Infrastructure – wood pile pier uses

The Council discussed concerns relating to the functional use of the wood pile pier at East Ferry. The distribution of use which includes public outdoor recreation, recreational boating, and commercial fishing were reviewed in respect to the legal implications based on the federal funding received by the Town. The Council also expressed their concern about the funding of the repairs required to ensure the continued use of the facility. There was discussion on the possibility of creating more space by extending the touch-and-go dock seaward, as well as researching the trends in the commercial fishing industry to determine those space needs. The cost of maintenance was discussed, with some thought to the Council restructuring how the harbor fees are set. As a cost saving measure, the Town Administrator recommended researching the possibility a Town-owned slip for the harbor boat rather than the Town paying rent as is presently done.

It was the consensus of the Council that written recommendations from the Town Administrator and Harbor Commission should be submitted to the Council for their review.

2) Beavertail Lighthouse re: yearly costs (continued from 9/24/2007)

The Town Administrator stated that he would work with Varaoujan Karentz, Chair of the Beavertail Lighthouse Museum Association, to establish a list of yearly costs to the Town to upkeep the Beavertail facility.

3) Dutch Harbor Boat Yard re: update on past due rental payment (continued from 9/24/2007)

The Town Administrator reported that he has received \$4,260.00 payment towards the \$16,500 arrearage from the lessee of the Dutch Harbor Boat Yard. In addition the lessee proposed a payment schedule to bring the payments up-to-date.

It was the consensus of the Council to meet in executive session at the Board of Water and Sewer meeting to discuss the lease for the Dutch Harbor Boat Yard.

4) Wind Energy Committee re: request for funding (continued from 9/10/2007)

The Council discussed the request for the funding of a study for the feasibility of wind energy production for the Town as previously presented by the Wind Energy Committee.

The Town Administrator reviewed possible funding scenarios to be considered:

\$10,000 allocated from remaining 2006–2007 funds in the incidentals and emergency account

\$15,000 from current 2007-2008 funds in the incidentals and emergency account

If the Council would like to consider going further in their research, there are two options:

- budget money for the 2008-2009 fiscal year, or
- apply for grant or loan funds

The Town Administrator noted that loan funds could be repaid through turbine revenues if it were determined that one should be constructed. If it were found not to be feasible, then the monies would be repaid through the general fund.

Donald Wineberg, Chair of the Wind Energy Committee, provided additional information for Council consideration. Mr. Wineberg stated that there are alternative sources of funding that are being researched. Mr. Wineberg informed the Council that he will be meeting with State representatives to discuss what type of funding would be available for the Town of Jamestown.

Robert Bowen, Wind Energy Committee member, stated that he understands that the State funding acts as a revolving fund, whereby the Town would payback the loan, plus interest.

Mr. Wineberg indicated that the funding from the Council would show the State that the Town of Jamestown is serious in their commitment to providing affordable energy to its citizens and may positively influence any grant funding.

The Town Administrator was asked to contact the administration in Barrington to inquire into the specifications of their wind energy study and the costs associated with it.

It was moved by Councilor Szeptowski, seconded by Councilor Schnack to approve the additional funding of \$15,000.00 for a total expenditure of \$25,000.00. So unanimously voted.

It was the consensus of the Council that the Wind Energy Committee would present the scope of the feasibility study prior to entering into any contract or expending any funds.

5) Disposal of Municipal Property

a) Tax Assessor's Plat 2, Lot 47; update from Town Administrator

The Council discussed the offer to purchase lot 47 from George Sousa and Elaine Peterson as defined in the request for proposals as advertised in the Jamestown Press. The offer presented was for \$150,000.00 to maintain lot 47 as an unbuilt lot, with several other stipulations as presented in the offer. This proposal is brought before the Council for a decision to proceed or not with the sale of this property.

The Council discussed their concerns with disposing of the property prior to receiving a commitment of the Town's purchase of land from the Rhode Island Turnpike and Bridge Authority for the siting the highway facility. In addition, the Council discussed the future value of the property known as plat 2 lot 47.

The Town Solicitor indicated that if the Council chooses not to allow the purchase of lot 47 at this time, the offer should be rejected and the deposit should be returned to Mr.

Sousa and Ms. Peterson. The return of the deposit would not preclude the Council from offering this property for sale at another time.

It was moved by Councilor Schnack, seconded by Councilor Kelly to reject the offer of Mr. Sousa and Ms. Peterson and to return the deposit. So unanimously voted.

NEW BUSINESS

- 1) Harbor Ordinance and Harbor Plan (*per Town Administrator*)
 - a) Proposed amendments

Previously discussed.

- 2) Union Contracts; if favorable, for ratification (*per Town Administrator*)
 - a) IBPO
 - b) NAGE #69

It was noted that the Council would discuss the union contracts following the executive session.

- 3) Thank You Letters (*per Council President Long*)
 - a) Judith H. Bell, Library Director; for use of the Jamestown Philomenian Library for municipal meetings
 - b) Michael McQuade, McQuade's Supermarket; for his generous contribution of sandwiches, salads, and beverages to town employees while moving into the new town hall

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the thank you letters to Judith H. Bell Library Director for the use of the Jamestown Philomenian Library for municipal meetings and to Michael McQuade, McQuade's supermarket for his generous contribution of food to the town employees while moving into the new town hall and to instruct the Clerk to forward a copy to the Jamestown Press. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Council President Long to enter into executive session at 8:50 p.m., pursuant to RIGL 42-46-5 (a) (2) collective bargaining.

It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Clerk's note: This being the first meeting in the new town hall, refreshments were served prior to the executive session.

The Council returned to the regular meeting at 9:45 p.m. It was noted by Council President Long that there were no votes taken in executive session.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to seal the minutes to the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

New Business

- 2) Union Contracts; if favorable, for ratification (*per Town Administrator*)
 - a) IBPO
 - b) NAGE #69

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to ratify the union contracts and to enter into agreement with the IBPO and NAGE 69 as discussed in executive session. So unanimously voted.

It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 9:42 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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