

TOWN COUNCIL MEETING

February 12, 2007

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 J. DiGiando. The following members were present:

William A. Kelly

Michael Schnack

Barbara A. Szepatowski, arrived at 7:08 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

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

In noting the passing of School Committee member James R. Filkins, Council Vice President DiGiando asked for a moment of silence. Mr. Filkins was remembered for his dedication and service to the community.

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 numbered 2 and 3 (d) be removed from the Consent Agenda. It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the Consent Agenda as amended. It was voted three in favor, Councilor Szepatowski not yet being present. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) January 12, 2007 (special meeting)
 - b) January 12, 2007 (executive session)
 - c) January 19, 2007 (special meeting)
 - d) January 19, 2007 (executive session)
 - e) January 22, 2007 (regular meeting)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Library Board of Trustees (12/04/2006)
 - b) Jamestown Substance Abuse Prevention Task Force (01/10/2007)

- c) Fort Getty Master Plan Committee (November 2, 2006)
- d)
- e) Jamestown Harbor Commission, Budget (10/23/2006)
- f) Jamestown Zoning board of Review (12/19/2006)
- g) Tax Assessment board of Review (12/20/2006)
- 4) CRMC Notices:
 - a) February 2007 Calendar
- 5) Department of Education Notice:
 - a) Informational Workshops, February 28 and March 6, 2007
- 6) Zoning Board of Review abutter notification
 - a) Application of Peter Flood, whose property is located at 864 East Shore Rd., and further identified as Tax Assessor's Plat 2, Lot 222 for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a second floor addition to an existing garage which is non-conforming by dimension being 13.74' from the side lot line (southerly) wherein 20' is required. It also seeks relief from the height requirement of 25' because it is designed 29'6". Said property is located in a RR80 zone and contains 101,334 sq. ft.
 - b) Application of Charles A. Sheahan, Sheahan Way LLC, whose property is located at 49 North Rd., and further identified as Tax Assessor's Plat 8, Lot 442 for Special Use Permits under Article 3, Sections I. 10 and VII. A.8. Mixed Use and Day Care Center, and Variances from Article 3, District Dimensional Regulations, to construct an adult day care facility with office facilities and a residential apartment, with less than the required front and side setbacks. Said property is located in a CL zone and contains 23,800 sq. ft.
- 7) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Schnack asked for additional information regarding the following item:

Personnel

70090.906	Fort Dearborn	\$720.00
-----------	---------------	----------

The Town Administrator stated that he would review the billing for the vendor and report to the Council.

Equipment Auction

William Kelly	\$805.00
---------------	----------

Councilor Kelly noted that the above-mentioned item was a reimbursement for an item put on his credit card. Councilor Kelly asked that the Council consider approving the application for a Town credit card.

Waste Removal

70450.341	Jen Enterprises	\$14,250.00
-----------	-----------------	-------------

Councilor Schnack requested additional information regarding the expenses for Jen Enterprises.

The Town Administrator informed the Council that the \$14,250.00 was for removal of the street sweeping debris at the landfill.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the bills and payroll as presented. It was voted three in favor, Councilor Szepatowski not yet being present.

3) Minutes from Boards, Commissions and Committees:

d) Jamestown Harbor Commission, Facilities (10/23/2006)

Councilor DiGiando inquired about the plans discussed by the Harbor Commission relating to the installation of battered piles, as mentioned in the Facilities Committee minutes.

Mike de Angeli, Harbor Commission Chair answered that following a review of the project it was found that the original plans for fixed rails was not acceptable and replaced with battered piles as a better design. The changes would reduce the costs of installation.

Councilor DiGiando requested that the Harbor Commission meet with the Council to review the changes to the plans. In addition, Councilor DiGiando asked for a long-range plan to be prepared by the Harbor Commission.

Councilor Szepatowski arrived at 7:08 PM.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the Harbor Commission Facilities Committee minutes. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council Vice President DiGiando announced that there would be an executive session following the regular meeting pursuant to RIGL 42-46-5 (a) (5) real estate to discuss town property and land acquisition. Councilor DiGiando noted that the Council would not discuss any litigation in executive session.

- 1) Pursuant to RIGL 42-46-5 (a) (2) litigation
- 2) Pursuant to RIGL 42-46-5 (a) (5) real estate
 - a) lease negotiations

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

- 1) Town Administrator's report
 - a) UHP Hiring Program Grant in the amount of \$75,000.00 for an additional officer (further noticed under new business)

The Town Administrator explained that under the COPS regulations the US Department of Justice would provide a three-year declining matching grant to support the hiring of a new patrol officer. The new hire must increase the patrol force and cannot reduce staffing from this level during the three-year period and one year thereafter. Mr. Keiser further explained that the last survey completed indicates that the number of police

officers recommended for a community the size of Jamestown should be between 18 and 23; presently, the Town has 14 officers.

The Council discussed the present overtime situation in the Police Department caused by the inability to cover all work shifts and the danger of having only one officer available in case of a disturbance. The Town Administrator stated that the costs for hiring the additional patrol officer would be somewhat offset by the reduction in overtime. The Town's share of funds for an entry level patrol officer for the term of the \$75,000 declining grant would be approximately:

Year one	\$9,396	25% of cost
Year two	\$22,030	50% of cost
Year three	\$36,553	75% of cost
Year four	\$63,153	100% of cost or full salary

Because of the replacement of retiring senior personnel with junior personnel it would not make a great impact on the 2007/2008 budget.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to address that item listed under new business relating to the UHP Hiring Program grant at this time. So unanimously voted.

New Business

- 2) Jamestown Police Department
 - a) Request to accept the UHP Hiring Program Grant in the amount of \$75,000.00 for an additional officer

Councilor Kelly encouraged the Council to consider the acceptance of this grant which would in effect, contribute funding for three years towards the hiring of a police officer. Additionally, Councilor Kelly pointed out that this would reduce the overtime costs in the police department.

It was the consensus of the Council that after the four-year term of the grant the Council could reassess the need for this additional officer.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the Jamestown Police Department's recommendation to accept the UHP Hiring Program Grant in the amount of \$75,000 for an additional officer. So unanimously voted.

- b) License Agreement between US Coast Guard and the Town of Jamestown (further noticed under new business)

The Town Administrator reported that he has been in discussion with Georges Bockstael and Mary Ellen Wilcznski, representatives from the US Coast Guard, regarding the renewal of the expired license for the Beavertail Lighthouse. Based on the Coast Guard's intent to declare the property surplus in the next several months, the proposed renewal agreement extends the Town's right to manage the facilities through September 30, 2007. Town Administrator Keiser reported that the license agreement does not include any substantive changes, with the exception of additional language recognizing the presence of the Beavertail Lighthouse Museum Association. The Town Administrator suggested

holding a work session with the Council, RIDEM, and the Beavertail Lighthouse Museum Association in order to move forward with the future surplus disposition of the lighthouse property. There is some concern with liability and exposure felt by the Coast Guard in leasing out the property. Assurances have been made that the Town will act with due diligence in the rental of the property and that the Town will acquire a lead-free certificate prior to allowing any residents to live there.

The Council discussed the need to have a better understanding of the environmental issues and the legal liabilities prior to the signing of the lease. The Town Solicitor suggested that if the Town is to take ownership of this property, there should be an environmental assessment to ensure that the Town does not take on the responsibility of any environmental cleanup.

Councilor Szepatowski suggested that it might be in the best interest of the Town to invite Mr. Bockstael to discuss the future of the property with the Council.

Councilor Schnack noted that the lease, as presented, is very much the same lease that the Town has been using for over twenty years and, because of the sort duration of the lease, there should be no problem with signing it now.

Councilor Szepatowski stated that the difference is – the Town now knows that there are some environmental issues, whereas prior to this the Town did not have that knowledge.

It was the consensus of the Council to instruct the Town Administrator to further review the lease, keeping in mind the concerns of the Council, and with an idea of how this property can be used in the future. The License Agreement between US Coast Guard and the Town of Jamestown was continued by Council consensus to the February 26, 2007 Town Council meeting.

2) Town Clerk re: interview schedule for Wind Energy Committee

It was the consensus of the Council to instruct the Clerk to arrange for interviews for the Wind Energy Committee applicants beginning at 6:30 PM on either March 15 or March 22.

3) Town Clerk re: schedule of local election dates

There was no action necessary on this item.

4) Conservation Commission re: liaison on Wind Energy Committee

It was the consensus of the Council to discuss a Conservation Commission liaison to the Wind Energy Committee following completion of the interviews for this committee.

5) Jamestown Harbor Commission re: increase in harbor fees

The Town Solicitor informed the Council that if they wish to change the harbor fees it should be done under new business and not under the heading of reports.

It was the consensus of the Council to continue the consideration of an increase in harbor fees to the Board of Water and Sewer Commission meeting on Tuesday, February 20, 2007.

- 6) Jamestown Harbor Commission re: docking space along the wood pile pier at East Ferry

At the suggestion of the Town Solicitor, it was the consensus of the Council to move the Jamestown Harbor Commission letter regarding docking space along the wood pile pier at East Ferry to the February 26, 2007 Council meeting so that the Council could take any necessary action.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Proposed Zoning Ordinance Amendment, Section 82-410. Project Review by Outside Consultants. This proposed amendment would clarify that when necessary to use an outside consultant, the cost would be paid by the applicant.

Town Planner Lisa Bryer informed the Council that the Planning Commission and Zoning Board of Review have, at times, found it necessary to seek professional advice on hydrogeological, traffic, engineering, and architectural issues when determining the impact a particular application may have on the community. The proposed ordinance makes it clear that such studies would be paid for by the applicant.

It was the consensus of the Council to instruct the Clerk to advertise the proposed ordinance for hearing.

COMMUNICATIONS AND PETITIONS

- 1) Memorandum from Jamestown School Superintendent, Dr. Robert Power re: invitation to 2007/2008 budget workshop sessions

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the invitation from the Jamestown School Superintendent. So unanimously voted.

- 2) Copy of letter to the Zoning Board of Review re: objection to application of Patrick Kilroy for a variance from Article 82, Section 302 to build a single family residence

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to accept the letter from Mr. and Mrs. Wilkie. So unanimously voted.

- 3) Request from Newport County Community Mental Health Center re: request to release civic support funds in the amount of \$2,200.00

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the request to release funds to the Newport County Community Mental Health Center. So unanimously voted.

In answer to the inquiry of whether the funds were previously budgeted and this request is for disbursement only, the Town Administrator informed the Council that he would research the request and follow through with the proper procedure.

4) Letter from Frank D. Meyer re: affordable housing in Jamestown
It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from Frank D. Meyer. So unanimously voted.

5) Letter from Edmund L. Alves, Jr., Blish & Cavanagh LLP re: Town Solicitor position
It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letter from Edmund L. Alves, Jr. 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) Holiday License Renewal Applications:

- a) RIGL Title 5 Chapter 5-23-1, et. seq.
 - i) Renewal applications:
 - AB Munroe Dairy, Inc. dba: AB Munroe Dairy; 151 North Brow Street, East Providence
 - Alfred B. Bingell dba: House of Pizza; 23 Narragansett Avenue
 - Alfred B. Bingell dba: Freddie Bing's Hotdog Thing; 23 Narragansett Avenue
 - Baker's Pharmacy of Jamestown, Inc. dba: Baker's Pharmacy; 53 Narragansett Avenue
 - Conanicut Marine Services, Inc. dba: the Conanicut Store; 20 Narragansett Avenue
 - Conanicut Yacht Club dba: Conanicut Yacht Club; 40 Bay View Drive
 - Cumberland Farms, Inc. dba: Cumberland Farms Store #1108; 41 North Road
 - Del's Lemonade & Refreshments, Inc. dba: Del's of Jamestown; 50 Saddlebrook Estates, East Greenwich
 - Doriana Carella dba: the Village Hearth Bakery; 2 Watson Avenue
 - East Ferry Market, Ltd. (S-Corp) dba: East Ferry Markey & Deli; 47 Conanicus Avenue Units 1& 2
 - Fountain Flowers, Inc. dba: the Secret Garden; 12 Southwest Avenue
 - Grapes & Gourmet, Inc. dba: Grapes & Gourmet; 9 Ferry Wharf
 - Jamestown Boat Yard, Inc. dba: Jamestown Boat Yard; 60 Dumpling Drive

- Jamestown Designs dba: Jamestown Designs; 17 Narragansett Avenue
- Jamestown Hardware, Inc. dba: Jamestown True Value Hardware; 5 Narragansett Avenue
- Long Wharf Marina Restaurant, Inc. dba: Bay Voyage; 150 Conanicus Avenue
- Lucky Ridge Co., LLC dba: Spinnakers Café; 3 Ferry Wharf
- Lucky Ridge Co., LLC dba: Spinnakers Café (mobile unit); 3 Ferry Wharf
- New England Golf Course Management, Inc. dba: Jamestown Golf & Country Club aka: Caddy Shack; 245 Conanicus Avenue
- Portuguese American Citizens Club dba: Portuguese American Citizens Club; 11 Pemberton Avenue
- Slice of Heaven, Inc. dba: Slice of Heaven; 32 Narragansett Avenue
- TMT, Corp. dba: McQuade's Laundromat; 3 Clarke Street
- TMT, Corp. dba: McQuade's Supermarket; 3 Clarke Street
- Trattoria Simpatico, Inc. dba: Trattoria Simpatico; 13 Narragansett Avenue
- Varsha, Inc. dba: Jamestown Wine & Spirits; 30 Southwest Avenue
- Video Showcase, LLC dba: Video Showcase; 28 Southwest Avenue

It was moved by Councilor Schnack, seconded by Councilor Szeptowski to approve the Holiday License Renewals as submitted. So unanimously voted.

2) Peddler License Renewal Applications:

- a) Peddler Policy of the Town of Jamestown established July 26, 1996
- b) RIGL Title 5 Chapter 5-11-1.1; 5-11-5; 5-11-18
 - i) Renewal applications:
 - AB Munroe Dairy, Inc. dba: AB Munroe Dairy to peddle food and dairy island wide
 - Alfred B. Bingell dba: Freddie Bing's Hotdog Thing to peddle hotdogs, chips and drinks at East Ferry
 - Jennifer Talancy dba: Stearns Farms Organic Produce to peddle farm goods at East Ferry beach near beach wall
 - Del's Lemonade & Refreshments, Inc. dba: Del's of Jamestown to peddle lemonade at Mackerel Cove Beach, Ft. Getty, Jamestown Shores Beach

- Lucky Ridge Co., LLC dba: Spinnaker's Café (mobile unit) to peddle ice cream and bottled beverages at East Ferry, Ft. Getty and Mackerel Cove beach parking lot

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Peddler License Renewals as submitted. So unanimously voted.

3) Trash Collector's License Renewal Application

- a) Jamestown Code of Ordinance Article IV Commercial Haulers Section 58-156-158
 - i) Renewal applications:
 - BFI Waste of Fall River/Allied Systems dba: BFI Waste of Fall River/Allied Systems; 1080 Airport Road, Fall River, MA
 - Island Rubbish Service, Inc. dba: Island Rubbish; 8 Swinburne Street, Jamestown
 - Waste Management of RI, Inc. dba: Waste Management of RI, Inc.; 65 Halsey Street, Newport

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Trash Collector License Renewals as submitted. So unanimously voted.

4) Private Investigator License Renewal Application

- a) RIGL Title 5 Businesses and Professions Chapter 5-5-2, et. seq.
 - i) Renewal application:
 - South Shore Investigative Agency: Malcolm Brown
 - RF Lewis Private Investigators: Ronald F. Lewis

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Private Investigator License Renewals as submitted. So unanimously voted.

OPEN FORUM

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

Representative Long reviewed present legislation for the Town Council.

- 2) Non-scheduled request to address

Frank Meyer, Southwest Avenue, commented that the 2004 license agreement between the State and the Town of Jamestown for the Beavertail Lighthouse allows for the State of Rhode Island, Town of Jamestown and the Beavertail Lighthouse Museum Association to manage the site and expand the museum. Mr. Meyer stated that the only place to expand the museum would be in the lighthouse keeper's quarters. Mr. Meyer also reviewed aspects of the Memorandum of Understanding. Mr. Meyer discouraged the use of the lighthouse for affordable housing and spoke in favor of the expansion of the museum.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Housing Authority (One (1) vacancy exists with a five-year term ending date of 12/31/2011), duly advertised and interviews complete; if favorable, appoint
 - a) Letter of resignation
 - i) Ralph L. Misto, Jr.
 - b) Letter of recommendation
 - c) Letter of interest
 - i) Kathy Rushton

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to appoint Kathy Rushton to the Jamestown Housing Authority for a term ending December 31, 2011. So unanimously voted.

- 2) Board of Canvassers (Two (2) vacancies for one (1) full member and one (1) alternate member with terms ending March 04, 2013 [first Monday in March]); if favorable, appoint
 - a) List of full member and alternate member submitted by Gary Cournoyer, Democratic Committee Chair
 - b) List of full member submitted by Jane M. Anthony, Republican Committee Chair

It was moved by Councilor Kelly, seconded by Councilor DiGiando to appoint Alcina Blair as the full member of the Board of Canvassers for a term ending date of March 4, 2013. So unanimously voted.

- c) Letter submitted by Jane M. Anthony, Republican Committee Chair re: alternate member

It was moved by Councilor DiGiando, seconded by Councilor Kelly to appoint Jean Britton as the alternate member of the Board of Canvassers for a term ending March 4, 2013. So unanimously voted.

UNFINISHED BUSINESS

- 1) Lease of Real Property (continued from 1/22/2007)
 - a) Golf Course Lease

The Town Administrator noted that negotiations are ongoing and requested that the Golf Course Lease be continued to the February 26, 2007 Council agenda.

- 2) Rolling Agenda (continued from 1/22/2007)
 - a) Date for work session

It was the consensus of the Council to instruct the Town Administrator and Clerk to schedule a work session with Rolling Agenda.

NEW BUSINESS

- 1) Verizon Communications and the Narragansett Electric Company
 - a) Relocation of one joint pole (P.13), Riptide Street

Councilor Szepatowski recused from any discussion or decision on the relocation of the joint pole located on Riptide Street.

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve of the petition to relocate one joint pole (P.13), Riptide Street as presented. It was voted three in favor, with Councilor Szepatowski recusing.

- 2) Jamestown Police Department
 - a) Request to accept the UHP Hiring Program Grant in the amount of \$75,000.00 for an additional officer

Previously discussed.

- 3) License Agreement – US Coast Guard/Town of Jamestown (Beavertail Lighthouse property and adjacent structures); if favorable, authorize the Council President to sign

Previously discussed.

- 4) Town Solicitor position

Following Council discussion, it was the consensus of the Council to instruct the Town Administrator and Clerk to arrange an interview for William Harsch, and re-interviews for both Peter Ruggiero and Carolyn Mannis.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Councilor Kelly to enter into executive session at 8:40 PM pursuant to RIGL 42-46-5 (a) (5) real estate to discuss town property lease negotiations and land acquisition. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

Upon the return of the Council to the regular session at 9:05 PM, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to seal the minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn the meeting at 9:10 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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