

TOWN COUNCIL MEETING
February 26, 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 Town Council President David J. Long. The following members were present:

Julio J. DiGiando, Vice President
William A. Kelly
Michael Schnack

absent: Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
Peter D. Ruggiero, Town Solicitor
Michael de Angeli, Harbor Commission Chair

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Council President Long introduced Town Solicitor, Peter Ruggiero. (Clerk's note: Peter D. Ruggiero was appointed as Town Solicitor at the Board of Water and Sewer meeting on February 20, 2007. Also appointed at the February 20 meeting was Carolyn Mannis as Prosecuting Solicitor for the Town.)

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 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) February 12, 2007 (regular meeting)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Conservation Commission (01/09/2007)
 - b) Jamestown Philomenian Library (01/16/2007)
- 4) CRMC Notices:
 - a) February 2007 Calendar (amended)

- 5) DEM Notices:
 - a) Notification of Statewide Conference re: Water for Rhode Island – Today & Tomorrow on Thursday, March 1, 2007
- 6) State Planning Council:
 - a) Notification of Public Hearing on the Draft of the Public Participation Guide for Transportation Planning on Thursday, March 1, 2007
- 7) Proclamations & Resolutions from other Rhode Island Cities and Towns
 - a) Town of South Kingstown re: requests to amend
 - i) RIGL §16-7-44 entitled “School Housing Project Costs”
 - ii) RIGL §16-64-1.1 governing the reimbursement for children in group homes, to accommodate the educational costs associated with specialized group home residences as created by the Department of Children Youth and Families
 - b) Town of Middletown re: request to endorse
 - i) legislation considering an issue relative to acceptable arsenic levels in soil
- 8) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly addressed the following expense:

70490.101 Coverall of Southern New England (cleaning services – 02/2007) \$2,445.89

Councilor Kelly stated that the annual cost of cleaning services for the Town buildings is approximately \$29,000. Councilor Kelly asked what plans the Town Administrator was considering for the cleaning maintenance of the new town hall.

The Town Administrator noted that he was considering hiring a custodian for the new building in order to cover the cleaning and “handyman” maintenance, as well as other day-to-day building needs.

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

EXECUTIVE SESSION ANNOUNCEMENT

None

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

1) Town Administrator’s report verbal

The Town Administrator informed the Council that Michael Gray as Clerk of the Works for the town hall construction, reports that the steel framing will begin next week. The project is on schedule with a completion date of mid to late July 2007.

2) Town Clerk memorandum re: School Committee vacancy

The Town Clerk reported that with the passing of School Committee member James (Jim) R. Filkins there is a vacancy on the School Committee. Pursuant to Article V. Section 503 of the Jamestown Charter, the vacancy shall be filled by the Town Council by the next highest vote getter from the most recent election. The next highest vote getter was David E. Dolce (Republican) with 998 votes.

It was moved by Councilor Kelly, seconded by Councilor DiGiando to instruct the Clerk to put the appointment of David E. Dolce to the School Committee on the March 12, 2007 Town Council agenda.

- 3) Town Clerk notices re: Budget Work Sessions
 - a) March 13, 2007 at 6:00 PM
 - b) March 15, 2007 at 7:00 PM (preceded by interviews at 6:00 PM)
 - c) March 20, 2007 at 6:00 PM

No action was necessary or taken.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Beavertail Lighthouse Museum Association re: future planning for the preservation and use of the Beavertail Light Station and request that the Council approve the new license amendment

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the communication from the Beavertail Lighthouse Museum Association. So unanimously voted.

- 2) Letter of resignation from J. William W. Harsch, Town Solicitor

It was moved by Councilor DiGiando, seconded by Council President Long to accept the letter of resignation from J. William W. Harsch. So unanimously voted.

- 3) GZA GeoEnvironmental Report
 - a) September 2006 Environmental Monitoring Report for the former Jamestown landfill
 - b) December 2006 Environmental Monitoring Report for the former Jamestown landfill

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the September 2006 Environmental Monitoring Report and the December 2006 Environmental Monitoring Report as submitted by GZA GeoEnvironmental. So unanimously voted.

The Town Administrator noted that the September 2006 report was submitted late because of the unexpected need of additional staffing by GZA GeoEnvironmental on a project in New York.

The Town Administrator reviewed both the September 2006 report and the December 2006 report. In the final analysis, the fluctuations found at the former landfill are naturally occurring and expected in a former landfill environment.

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 Renewal License Applications:

- a) Alexander Enterprises dba: Narragansett Café; 25 Narragansett Avenue
- b) Debsbeads/The Purple Door; 47 Conanicus Avenue
- c) DHBV, LLC dba: Dutch Harbor Boatyard, LLC; 252 Narragansett Avenue
- d) Drake Petroleum Company, Inc. dba: Jamestown Xtra Mart; 35 Narragansett Avenue
- e) Islandish, Ltd. dba: Chopmist Charlies; 40 Narragansett Avenue
- f) Jamestown Oyster Bar, Inc. dba: Jamestown Oyster Bar; 22 Narragansett Avenue
- g) R&R Enterprises dba: R&R Gallery; Unit 5 47 Conanicus Avenue
- h) Seadish, Ltd. dba: Tricia's Tropigrille; 14 Narragansett Avenue
- i) Zeek's Bait & Tackle, Inc. dba: Zeek's Bait & Tackle; 194 North Road

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the Holiday License renewals as presented. So unanimously voted.

OPEN FORUM

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

Charlotte Zarlengo, Seaside Drive, representing the Jamestown Shores Association, asked if the Town was working with Councilor Szepatowski in renting the Shores Club House from Mr. Settipane. Ms. Zarlengo expressed her concerns relating to the fencing of the property and the possibility that it would be used as a shelter or exercise area for dogs.

The Town Administrator informed the Council that this is not a Town project, but is being put forward by the Friends of the Jamestown Animal Shelter to be used as meeting space for fundraising initiatives.

The Town Solicitor noted that it would be a Zoning issue if the building were used as a shelter or exercise area.

Leo Errara, Riptide Street, stated that Councilor Szepatowski has a fenced yard where 8 to 10 dogs are brought for the day. Mr. Errara was informed by the Zoning Official that

this did not constitute use as a kennel.

It was the consensus of the Council to instruct the Town Administrator to look into the concerns of Ms. Zarlengo and Mr. Errara.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Lease of Real Property (continued from 2/12/2007)
Golf Course Lease

The Town Administrator reviewed the results of golf course lease negotiations between the Town and Mr. and Mrs. Mistowski:

Lease

- Lease expires in March 2007.
- Five-year renewal with a five-year option to renew (adjusted by CPI at time or renewal.)
- Flat rental fee of \$172,000.00 (Base rent increased by CPI of 13.5% to \$100,406.00 plus average percentage rent, based on the green fees and golf cart rentals to a base rent for 2007 of \$167,284.00. This rental amount was averaged for five years to a flat fee of \$172,000.00.)
- \$8,000.00 per year effluent filter surcharge (\$300,000.00 cost [\$150,000.00 to Town, \$150,000.00 lessee of golf course]; amortized over twenty years. Surcharge would run with lease rather than with lessee.
- \$600,000.00 capital improvements (\$60,000.00 per year of lease).

Ball Field

If acceptable to the Council, provisions would be negotiated and incorporated into the lease to cover the maintenance of the ball field. Based upon the items listed below and if effluent is permitted for the irrigation of the ball field through RIDEM, the Mistowski's have offered to repair and maintain the ball field.

- The cost of maintenance (\$30,000.00) would be renegotiated into the lease.
- Use of the ball field would be restricted for one year.

It was moved by Councilor Schnack, seconded by Council President Long to enter into a lease agreement with Mr. and Mrs. Mistowski for the use of the golf course in the amount as presented by the Town Administrator. The President of the Town Council will execute the lease on behalf of the Council. So unanimously voted.

- 2) License Agreement – US Coast Guard/Town of Jamestown (Beavertail Lighthouse property and adjacent structures); if favorable, authorize the Council President to sign (continued from 2/12/2007)

The Town Administrator noted that the Council requested that this be brought back with additional information regarding the Town's obligations for any needed environmental remediation.

The Town Solicitor addressed the legal obligations stating that the Coast Guard specifically remaining liable for what they are defining as "any environmental clean-up from contamination which may have existed prior to the execution of the lease". The Town would then be held responsible for any contamination going forward.

The Council discussed the past use of the lighthouse keeper's quarters as leased by the Town. Councilor DiGiando inquired who would be responsible for any painting that has been done within the past when the Town was leasing the keeper's quarters.

The Town Administrator informed the Council that the Coast Guard is interested in working in partnership with the Town to sort through who will be responsible for what cost. It is not expected to be a significant cost to deal with the lead paint issue. Mr. Turillo (potential lessee) is experienced in the removal and remediation of lead paint has offered to take on the project and obtain a Certificate of Completion from the Department of Health. Another concern regarding the Coast Guard's position on the Town subleasing the property for residential purposes was discussed and noted that to-date has not been resolved; although, the Town Administrator noted, there is no language in the lease either prohibiting the subleasing or allowing the subleasing.

Town Council President Long asked that the Council consider the signing of the lease agreement at this time. It was asked that there be a change to the lease prior to signing. **Page 5, item 13 – change the name of Mark Haddad to Bruce R. Keiser.**

It was noted by the Town Administrator that the lease was not signed by the Town in 2004, probably due to changes in administration. The lease being presented for signature at this time expires September of 2007.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to authorize the Town Council President to sign the lease for the Jamestown Beavertail Lighthouse property and adjacent structures with the Coast Guard. So unanimously voted.

It was the consensus of the Council that any questions regarding the environmental remediation and use of the keeper's quarters be continued on the Town Council agenda.

NEW BUSINESS

- 1) Jamestown Harbor Commission re: docking space along the wood pile pier at East Ferry (as requested by Council on 2/12/2007)

Councilor DiGiando, liaison to the Harbor Commission, reviewed the lengthy history of concerns relating to the use of the wood pile pier. Some of the issues highlighted by Councilor DiGiando were as follows:

- Recreational use of the pier (such as fishing).

- Access for commercial users.
- Mixed use of pier (recreational boaters vs. commercial use).
- Issues relating to the touch-and-go dock.
- Length of commercial fishing boats and space required to accommodate vessels.

Councilor DiGiando reviewed correspondence from several Town Solicitors relating to the above related issues.

Michael de Angeli, Harbor Commission Chair, confirmed that this has been an ongoing issue for many years. The proposal from the Harbor Commission, dated February 1, 2007, suggests the possibility of extending the existing pier seaward 100 feet and constructing an extension to the north by 40 feet and to the south 20 feet; effectively providing separate facilities for fishermen and providing additional touch-and-go dockage.

It was the consensus of the Council to schedule a visit to the wood pile pier with Harbor Commission members, Town Administrator, Chief Tighe and Bill Munger in order to view the structure and get a better understanding of the problems and probable solutions.

Mr. de Angeli requested that the Council pass fishing regulations for the wood pile pier before the season begins to assist in alleviating problems at the wood pile pier.

It was the consensus of the Council to address fishing regulations at one of the March meetings.

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

Attest:

Arlene D. Petit
Town Clerk

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