

**TOWN COUNCIL MEETING**  
**April 23, 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 Vice President, Julio J. DiGiando. The following members were present:

Michael Schnack  
William A. Kelly  
Barbara A. Szepatowski

absent: David J. Long, President

also present:

Bruce R. Keiser, Town Administrator  
Arlene D. Petit, Town Clerk  
Peter D. Ruggiero, Town Solicitor  
Lisa W. Bryer, Town Planner

present for presentation:

Randall Rosenbaum, Executive Director, Rhode Island State Council on the Arts  
Karen Krider, President, Conanicut Island Art Association

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

- 1) Randall Rosenbaum, Executive Director, Rhode Island State Council on the Arts re: Tax-Free Arts District

Randall Rosenbaum, Executive Director of the Rhode Island State Council on the Arts, outlined legislation passed in 1998 allowing for cities and towns to designate community areas as an arts district. Mr. Rosenbaum stated that the purpose of this legislation is to assist in community economic development and to encourage community redevelopment.

Karen Krider, President of the Conanicut Island Art Association, presented the Council with a map of Jamestown indicating 172 artist locations within the community and encouraged the Council to move forward on the designation of an arts district in Jamestown. In addition, Ms. Krider stated that the creation of an arts district would put artists in Jamestown on a more competitive basis with other designated communities such as Newport.

The Council asked specific questions relating to the varied locations in which artists work and reside and how that would affect any benefits they may derive from an area designated as an arts district.

Mr. Rosenbaum answered that the legislation provides three different kinds of tax incentives; specifically, for artists who live and work within a specified district, any sale of work created within the district is exempt from state sales tax; and for artists who live and work within a specified district, any income they receive from the sale of work they have created within the district is exempt from state personal income tax; and for gallery spaces located within the boundaries of a specified district, the sale of original, one-of-a-kind works of art are exempt from state sales tax, whether or not they were created within the boundaries of the arts district. In addition, Mr. Rosenbaum noted that there are

community benefits as well, such as attracting tourists by establishing art galleries and increasing local economics.

It was the consensus of the Council to put the consideration of establishing an arts district in Jamestown on the May 14, 2007 Council agenda.

### **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 moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the Consent Agenda as presented. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) April 9, 2007, regular meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Wind Energy Committee (4/3/2007)
  - b) Jamestown Tree Preservation and Protection Committee (3/20/2007)
  - c) Affordable Housing Committee (10/23/2006)
  - d) Jamestown Library Board of Trustees (3/6/2007)
  - e) Jamestown Harbor Commission (3/14/2007, 1/20/2007)
  - f) Fort Getty Master Plan Committee (11/2/2006)
  - g) Jamestown Housing Authority (3/14/2007)
- 4) CRMC Notices:
  - a) Notice of Violation re: Janice Matthews, property located at 5 Decatur Avenue, Plat 7 Lot 36
  - b) April 2007 Calendar (amended)-0p;
- 5) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Town of Westerly in support of Senate Bill 0545 entitled "An Act Relating to Public Utilities – Excavation Near Underground Utility Facilities – Costs"
  - b) Town of Portsmouth resolution in support of the Coalition of Communities Improving Rhode Island
- 6) Abatements/Addenda of Taxes

### **EXECUTIVE SESSION ANNOUNCEMENT**

*The Town Council may seek to go in Executive Session to discuss the following items:*

- 1) Pursuant to RIGL 42-46-5 (a) (5) Real Estate, acquisition of property

Council Vice President DiGiando announced that the Council would enter into executive session later in the evening pursuant to RIGL 42-46-5(a) (5) real estate to discuss the acquisition of property.

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

1) Town Administrator Report (verbal report)

Hurricane Preparedness

The Town Administrator reported that Police Chief Thomas Tighe will be attending a hurricane preparedness program given by the State of Rhode Island on May 1 – May 10. The Town Administrator stated that the Melrose Avenue School has been designated by the Red Cross as the new shelter and will be the site of an emergency disaster simulation on May 5, 2007.

April Storm Report

The Town Administrator reported that the emergency efforts for the April storm were coordinated through Police Chief Tighe with the Fire Department and the Public Works Department. It was reported that Mackerel Cove washed over for the second time in six months, the Fire Department pumped a number of flooded basements, and roads were cleared of fallen tree branches and debris by the Public Works Department. The Town Administrator thanked the staff and volunteers for their assistance.

Councilor Kelly requested that the Town Administrator look into the complaint that the Shoreby Hill gate was locked to emergency traffic during the April storm.

Harbor Commission

Councilor DiGiando reported that the Harbor Commission has requested that the Council consider allowing non-residents to purchase stickers for access to the boat launch at Fort Getty to assist in accessing West Ferry by that user group.

Councilor DiGiando asked that the Council address the issue of fishing on the Town dock. In the past the Council has passed a resolution to post seasonal restrictions. It was the consensus of the Council that the request to consider seasonal restrictions at East Ferry be put on the May 14, 2007 Council agenda.

2) Town Solicitor (verbal report)

Town Solicitor Ruggiero informed the Council that he would address issues as they are listed on the agenda.

3) Town Clerk, memorandum re: committee review with attachment of committee minutes

No action taken.

### **PUBLIC HEARING**

None

## ORDINANCES AND RESOLUTIONS

It was the consensus of the Council that Resolution No. 07-006 be held until Mr. Croft, Executive Director of the Rhode Island Turnpike and Bridge Authority, was present.

- 1) Resolution No. 07-006 re: Highway (Barn) Facility Location, request to Turnpike and Bridge Authority for use of 6,000 sq. ft. of property
- 2) Proclamation No. 07-007 re: Jamestown Teacher Appreciation Week, May 7 – May 11, 2007

Proclamation No. 07-007 entitled “*Jamestown Teacher Appreciation Week, May 7 – May 11, 2007*” was read by Councilor Schnack. It was moved by Councilor Schnack, seconded by Councilor Szepatowski to adopt the proclamation honoring the Jamestown teachers. So unanimously voted.

Mr. Croft arrived at this time and the Council returned to Resolution No. 07-006.

- 1) Resolution No. 07-006 re: Highway (Barn) Facility Location, request to Turnpike and Bridge Authority for use of 6,000 sq. ft. of property

It was moved by Councilor Schnack, seconded by Councilor Kelly to approve Resolution No. 07-006, entitled “*Highway (Barn) Facility Location*” requesting the use of 6,000 sq. ft. of Turnpike and Bridge Authority property. So unanimously voted.

Mr. Croft explained that he would accept the resolution and forward it to the Board for their review.

## COMMUNICATIONS AND PETITIONS

- 1) Letter from Ellen Winsor re: request to present a fifteen-minute PowerPoint presentation on the Conanicut Island Sole Source Aquifer petition to the USEPA

The Town Administrator stated that we are waiting to hear from Newport regarding an emergency water supply for the Town of Jamestown. Following notification, USEPA will hold a public hearing for the Town to solicit public input regarding the application and the appropriateness of designating the Town as a sole source aquifer. This will allow for further discussion and input and perhaps even a presentation from Ms. Winsor.

Following additional discussion, it was the consensus of the Council to receive notification from the US Environmental Protection Agency (USEPA) prior to making a determination on a presentation by Ms. Winsor.

It was the consensus of the Council to discuss the legal benefits/consequences of being designated as a sole source aquifer. The Town Solicitor will supply information to the Council at the May 29, 2007 Council meeting.

Councilor Schnack noted that he has not seen the application and stated that he would like to have a chance to review it.

Ms. Winsor stated that she would forward the amended application to the Council for their review.

- 2) Letter from Jennifer Stearns Talancy re: request to alter farm stand canopy on Town property at East ferry (License Number 07-08-83)

It was the consensus of the Council to put the request from Ms. Talancy on the April 30 Council agenda for consideration.

- 3) Letter from Joseph A. DePasquale, Warren Town Councilman, re: Rhode Island Wind Alliance

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letter from Joseph A. DePasquale. So unanimously voted.

- 4) Communication from Town Solicitor to Federal Communications Commission re: Radio Frequency (RF) emission safety

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

The Town Solicitor reported that the Federal Communications Commission states that the RF emissions meet the general criteria and conditions to make it categorically exempt from any type of intensity or exposure issue. The Town Council, if they would like, can put out an RFP for the monitoring of emissions. If a safety issue were found, the Town would then be sent back to the FCC, who would in turn contact the carrier and the proper action would be taken.

It was the consensus of the Council to put the RFP for the hiring of a specialist to monitor the emissions emanating from the water towers in Jamestown on the May 14, 2007 Council agenda for consideration.

- 4) Communication from Town Solicitor to Finance Director re: Siegmund Arbitration Award

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the communication from the Town Solicitor to the Finance Director regarding the Siegmund Arbitration Award. So unanimously voted.

The Town Solicitor reported that he has not yet received a reply from Mr. Siegmund's attorneys. There was no joint directive from them. The Town Solicitor stated that he would wait a few more days, and then file an interpleader action in Newport Superior Court and deposit the funds there; thereby resolving the Town's responsibility.

## **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) **One Day Peddler License Application**

- a) Jamestown Medical Fund  
East Ferry Square  
May 26, 2007 (rain date May 27, 2007)
  - i) insurance certificate received

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Peddler License for the Jamestown Medical fund at East Ferry Square on May 26, 2007 with a rain date of May 27, 2007. So unanimously voted.

2) **Exhibition/Event License**

- 1) Jamestown Baseball Association - Parade  
Route: Community Center to Lawn Avenue Baseball Field  
April 28, 2007

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Exhibition/Event License for the Jamestown Baseball Association parade on April 28, 2007. So unanimously voted.

### OPEN FORUM

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

Representative Long gave an update on pending legislation. In addition, Representative Long invited constituents to contact him by email at [repbruce74@aol.com](mailto:repbruce74@aol.com).

- b) Norma B. Willis, re: highway facility location

Norma Willis, North Main Road, presented the Council with the following five documents relating to the siting of the highway facility:

- Impediments
- Alternative #2: Lot 47
- Landfill Vicinity
- Map of the North-end of Jamestown indicating groundwater classification and wetland category
- letter from Ursillo, Teitz & Ritch, Ltd.

Ms. Willis encouraged the Council to site the highway facility at the Bridge Authority property.

- 2) Non-scheduled request to address

Ginny Perry, Bay View Drive, acknowledged the Town Planner and her efforts in keeping the Affordable Housing Committee informed, further stating that Ms. Bryer was an asset to the Town.

Paul Robertson, Carr Lane, Secretary to NAGE RI Local 69, presented a memorandum to the Council from the union members requesting that the Council support the use of lot 47 as the location for the highway facility as recommended by the Building and Facilities Committee. In addition, Mr. Robertson asked that showers continue to be included in the plan.

Donna O'Neill, Summit Avenue, noted that the well at lot 47 is limited to only 200 gallons a day.

Ellen Winsor, East Shore Road, asked the Council to consider family pet safety in the hurricane preparedness plans.

Rosemary Woodside, Skysail Court, informed the Council that the Humane Society of Jamestown has initiated a pet identification program that will help reunite pet owners with their pets when separated as a result of a disaster. Ms. Woodside invited interested parties to go to the website for the Humane Society at [hsj-jamestown-ri@cox.net](mailto:hsj-jamestown-ri@cox.net) for more information.

Dennis Webster, Mount Hope Avenue, commended the Council on their decision to give the residents the opportunity to vote on the siting of the highway facility.

Rosemary Woodside informed the Council that she was in support of the Tax Free Arts District and the designation as a sole source aquifer.

### **APPOINTMENTS AND RESIGNATIONS**

None

### **UNFINISHED BUSINESS**

- 1) Water Tower re: cellular antenna emissions (continued from 4/9/2007)
  - a) FCC Consumer Facts (provided by Town Solicitor)

Previously discussed.

### **NEW BUSINESS**

- 1) Weaver's Cove LNG Proposal re: letter to Captain Nash expressing Council's concerns; if favorable, Council President David J. Long to sign

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the letter to Captain Nash and to authorize the signing by the Council President. So unanimously voted.

- 2) 2007 Community Development Block Grant Program; if favorable, passage of authorizing resolution to be signed by Town Administrator

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the resolution authorizing the Town Administrator to submit the 2007 Community Development Block Grant Program as outlined in the resolution. So unanimously voted.

- 3) Highway Facility re: clarification of specific points (per Councilor Kelly)

Councilor Kelly asked to be allowed to clarify specific points relating to the highway facility.

1. Salesmen

It is not expected that the highway facility will be inundated with salesmen as the Public Works Director will be located at 93 Narragansett Avenue and the Town of Jamestown purchases through the State contract lists, which in many instances, is done over the telephone or vendor websites.

2. Showers

Due to the nature of the jobs incurred by the Department of Public Works staff, it would be necessary to provide showers at the highway facility. Many times staff-workers are in conditions such as repairing water or sewer pipes and they require clean-up prior to going home.

3. Lot 47 – Spot Zoning

Councilor Kelly noted that it was his understanding that spot zoning is when you take a particular type of zone and drop it in the middle of another zone. Lot 47 is adjacent to public land. Councilor Kelly asked the Town Solicitor to comment on spot zoning.

The Town Solicitor noted that it is difficult to make a conclusive argument that there is spot zoning based on the facts that are out there. Rhode Island courts have, in the past, been very reluctant to recognize spot zoning. However, when there are opposing opinions, it is a matter that could be settled in court.

4) Report on response to last week's storm (per Councilor Kelly)

Previously discussed.

5) Paperless Council Meetings (per Councilor Kelly)

The Town Clerk gave a verbal report on the way in which a community moves to paperless meetings.

### **EXECUTIVE SESSION**

1) Pursuant to RIGL 42-46-5 (a) (5) Real Estate, acquisition of property

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to enter into executive session at 8:35 p.m., pursuant to RIGL 42-46-5 (a) (5) real estate to discuss the acquisition of property. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

Upon return to the regular session at 8:50 p.m., Councilor DiGiando announced that there were no votes taken in executive session.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to seal the executive session minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

## **ADJOURNMENT**

It was moved by Councilor Schnack, seconded by Councilor Kelly to adjourn the meeting at 8:51 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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