

TOWN COUNCIL MEETING
May 14, 2007

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 6:44 PM by Town Council President David J. Long. The following members were present:

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

Barbara A. Szepatowski arrived at 7:03
also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
Peter D. Ruggiero, Town Solicitor

present for the executive session, Phase I: A. Lauriston Parks, Esq.

EXECUTIVE SESSION, PHASE I – 6:45 PM

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

- 1) Pursuant to RIGL 42-46-5(a) (2) pending litigation re: Zoning Board of Review Appeals

It was moved by Councilor Schnack, seconded by Councilor DiGiando to enter into executive session at 6:45 PM, pursuant to RIGL 42-46-5(a) (2) pending litigation re: Zoning Board of Review Appeals.

It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Council President Long, aye. The motion passed with four in favor and Councilor Szepatowski absent.

Upon return to the regular meeting at 6:49 PM, Council President Long announced that there were no votes taken in executive session.

It was moved by Councilor Schnack, seconded by Councilor Kelly to seal the minutes from the public.

It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Council President Long, aye. The motion passed with four in favor and Councilor Szepatowski absent.

Prior to the continuation of the meeting, the Council interviewed Betty Kinder for reappointment to the JEMS Compensation Committee.

REGULAR SESSION – 7:00 PM

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 #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 voted with four in favor with Councilor Szepatowski being absent for the vote. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) April 23, 2007 (regular session)
 - b) April 23, 2007 (executive session)
 - c) April 30, 2007 (special session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Board of Canvassers (10/17/52006, 12/11/2006, 01/04/2007)
 - b) Fort Getty Master Plan Committee (01/18/2007, April 5, 2007)
 - c) Jamestown Traffic Commission (07/13/2006)
 - d) Water Resources Protection Committee (01/23/2007, 01/26/2007, 02/08/2007)
 - e) Library Board of Trustees (04/03/2007)
 - f) Jamestown Conservation Commission (01/09/2007, 02/13/2007, 03/13/2007)
- 4) CRMC Notices:
 - a) Agenda, April 24, 2007
 - b) Agenda, May 8, 2007
 - c) May 2007 Calendar
 - d) Proposed changes to the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State relative to Chapter 46-23 of the State of Rhode Island
- 5) DEM Notices:
 - a) New Wetland Rules and New Programmatic General Permit
- 6) Proclamations & Resolutions from other Rhode Island cities and towns

- a) Town of Burrillville resolution in support of proposed amendments to H-5990 (Rhode Island Housing and Conservation Trust Fund Act)

Councilor Szepatowski arrived at 7:03 PM.

- 2) Bills and Payroll

Councilor Kelly stated that the Town will be providing all households with composting bags to be used in a waste prevention program. It is expected that the use of these special bags for the recycling of leaf and yard waste will reduce the amount of waste collected and thereby reduce the cost of the solid waste tipping fees paid to Rhode Island Resource Recovery Corporation. In addition, Councilor Kelly stated that the Town will provide twenty-five (25) compost bins, to be given to the first twenty-five (25) residents that participate in a course on proper composting procedures.

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

EXECUTIVE SESSION ANNOUNCEMENT – PHASE II

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 re: farmland acquisition

Council President Long announced that the Council would enter into executive session pursuant to RIGL 42-46-5 (a) (5) real estate re: farmland acquisition, later in the evening.

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

- 1) Town Administrator (verbal report)

Hurricane Preparedness

The Town Administrator reported that the mock disaster event held on the weekend was successful and went according to plans. Councilors Kelly and Szepatowski recognized the efforts of the volunteers that participated and the food donations made by the local restaurants. The Town Administrator informed the Council that the Rhode Island Emergency Management Agency will be hosting an event on Monday at the Radisson Hotel in Warwick to present the most up-to-date emergency protocols.

350th Celebration

The Town Clerk reported on the events being planned for the 350th Celebration. It is hoped that the town hall will be completed for the August 11 parade and dedication.

It was the consensus of the Council that letters should be sent to the Governor and legislative representatives for Jamestown to invite them to participate in the parade and dedication.

- 2) Town Solicitor (verbal report)

There was no report by the Town Solicitor.

- 3) Beavertail Lighthouse Museum Association re: Master Plan for the Preservation and Future Public Use of the Light Station at Beavertail

The Town Administrator reported that he will be meeting with members of the Beavertail Lighthouse Museum Association (BLMA) and the Coast Guard on Thursday regarding the future use of the lighthouse. It is expected that the State will be submitting a proposal to the General Services Administration following the declaration by the Coast Guard to surplus the property. At that time it is hoped that DEM will partner with the Town and BLMA for control of the property. The Town Administrator suggested that the Town Council hold a work session following the meeting on Thursday to review and consider the Town's position.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Agnes Cotter Filkins requesting a proclamation honoring James R. Filkins and proclaiming June 24, 2007 as James R. Filkins Day

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the letter from Agnes Cotter Filkins. So unanimously voted.

It was the consensus of the Council that this request be put on the Council agenda for the May 29 meeting.

- 2) Letter from Raymond Iannetta re: siting of the highway facility

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter from Raymond Iannetta. So unanimously voted.

- 3) Letter from Raymond E. Gallison, Jr., Representative, District 69 requesting that the Council write to the Captain of the Port for the Southeastern New England Region urging him to issue a negative letter of recommendation for the transportation of liquefied natural gas on Rhode Island waterways

In discussion, it was noted that the Jamestown Council had previously sent a letter to Captain Roy A. Nash requesting the issuance of a negative response regarding the transportation of liquefied natural gas on Rhode Island waterways.

The Town Solicitor reported that the Coast Guard sent a preliminary determination that was negative; however, there was some concern that this was not a final decision.

It was the consensus of the Council that a second letter reaffirming Jamestown's position of opposition be on the May 29, 2007 Council agenda for consideration.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from Raymond E. Gallison, Jr. So unanimously voted.

- 4) Letter from Frank Meyer re: Suggestion for Additional Funding Source for the Highway Barn

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from Frank Meyer. 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) One Day Peddler License Applications:
 - a) Application of **Central Baptist Church** dba: (same) request to sell baked goods and raffle tickets during the Memorial Day Parade at 99 Narragansett Avenue on May 28, 2007 between the hours of 9:00 am to noon. Applicant requests to waive \$5.00 application fee.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the One Day Peddler License for Central Baptist Church to sell baked goods and raffle tickets during the Memorial Day Parade at 99 Narragansett Avenue on May 28, 2007 between the hours of 9:00 am to noon, and to waive the application fee. So unanimously voted.

- b) Application of the **Humane Society of Jamestown** dba: (same) request to sell clothing and books during the Memorial Day Parade at 29 Narragansett Avenue on May 28, 2007 between the hours of 9:00 am to noon. Applicant requests to waive \$5.00 application fee.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to approve the One Day Peddler License for the Humane Society of Jamestown to sell clothing and books during the Memorial Day Parade at 29 Narragansett Avenue on May 28, 2007 between the hours of 9:00 am to noon and to waive the fee. So unanimously voted.

- c) Application of **Jamestown Historical Society** dba: (same) request to sell books, tiles and caps during the Memorial Day Parade at 42 Narragansett Avenue on May 28, 2007 between the hours of 10:00 am to noon. Applicant requests to waive \$5.00 application fee.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the One Day Peddler License for the Jamestown Historical Society to sell books, tiles and caps during the Memorial Day Parade at 42 Narragansett Avenue on May 28, 2007 between the hours of 10:00 am to noon. So unanimously voted.

- d) Application of **Central Baptist Church** dba: the annual *June Festival* request to sell food and auction items 99 Narragansett Avenue on June 23, 2007 between the hours of 8:00 am – 2:00 pm. Applicant requests to waive \$5.00 application fee.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the One Day Peddler License for Central Baptist Church for the annual *June Festival* request to sell food and auction items 99 Narragansett Avenue on June 23, 2007 between the hours of 8:00 am – 2:00 pm. and to waive the fee. So unanimously voted.

- e) Application of **Conanicut Island Art Association** dba: *CIAA Annual Art Exhibit* request to sell art work the Jamestown Community Center on July 18 through 22, 2007 between the hours of (July 18th only) 6:30 – 9:00 pm & (July 19th & 22nd) 10:00 am – 4:00 pm. Applicant requests to waive \$25.00 application fee and to waive \$1,000,000.00 insurance policy.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Peddler License for the Conanicut Island Art Association to sell art work at the Jamestown Community Center on July 18 through 22, 2007 between the hours of (July 18th only) 6:30 – 9:00 pm & (July 19th & 22nd) 10:00 am – 4:00 pm. and to waive the fee. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address

- a) Representative Bruce J. Long re: legislative update

Representative Long gave a verbal legislative update. Representative Long suggested that any enabling legislation the Council is considering be forwarded to him as soon as possible.

- b) Frank D. Meyer re: additional funding source for the highway barn

Mr. Meyer read from a letter that he forwarded to the Council indicating that the undeveloped portion of Newport Street bordering Ft. Wetherill has been blocked off by the State without permission. Mr. Meyer suggested that the property could be sold to the State and those funds put towards the cost of the new highway facility; or there could be a trade for the Rhode Island Turnpike and Bridge Authority property which is under consideration as a site for the highway facility.

It was the consensus of the Council to forward Mr. Meyer's letter to the Town Solicitor.

- 2) Non-scheduled request to address

Allie Sabalis, Beacon Avenue, stated that as a professional artist and past president of the Conanicut Island Art Association (CIAA) she supports the tax free arts district for the entire island. Ms. Sabalis read several letters from fellow artists, all in support of the tax free arts district.

Kevin Summerville, a Narragansett resident, read a statement in support of the tax free arts district from Deborah Swistak and Carol Anderson, owners of Jamestown Design.

Victor Richardson, Hamilton Avenue, reiterated comments made by Mr. Meyer concerning the inability to access the undeveloped portion of Newport Street. Mr. Richardson informed the Council that in the past years he has always bicycled along that stretch of road and can no longer do that because it has been blocked off.

Pricilla Foley, Lincoln Street, acknowledged the artists in the audience who are in favor of a tax free arts district.

Randy Rosenbaum, Executive Director of the Rhode Island State Council on the Arts, answered questions from the Council regarding the tax incentives for artists who live and work within a specified tax free arts district and for artists who live and work outside of the district but sell within the district – all would be allowed to sell their work tax free.

APPOINTMENTS AND RESIGNATIONS

- 1) **Affordable Housing Committee** (three (3) vacancies; three-year term ending May 31, 2010) duly advertised and interviews complete; if favorable, appoint
 - a) Letters of resignation
 - i) Catherine Goode-Devellis (verbal resignation)
 - ii) Jean Britton (verbal resignation)

It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the resignations from Catherine Good-Devellis and Jean Britton from the Affordable Housing Committee. So unanimously voted.

- b) Letter of request for appointment of member from the Housing Authority from Ernest Anthony, Jr. Chair

It was the consensus of the Council that prior to appointing a member from the Housing Authority to the Affordable Housing Committee, the committee charge should be reviewed and the candidate interviewed.

- c) Request for reappointment
 - i) Nick Robertson

It was moved by Councilor Kelly, seconded by Councilor DiGiando to reappoint Nick Robertson to the Affordable Housing Committee for a term ending May 31, 2010. So unanimously voted.

- d) Letter of interest
 - i) Heather Lopes (previously interviewed)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to appoint Heather Lopes to the Affordable Housing Committee for a term ending May 31, 2010. So unanimously voted.

- 2) **Emergency Medical Services Compensation Committee** (one (1) vacancy for a citizen-at-large representative; three-year term ending May 31, 2010) duly advertised and interviews complete; if favorable, appoint
 - a) Request for reappointment

- i) Betty R. Kinder

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to reappoint Betty R. Kinder to the Emergency Medical Services Compensation Committee for a term ending May 31, 2010. So unanimously voted.

- 3) **Personnel Board** (One (1) vacancy; three-year term ending May 31, 2010) duly advertised and interviews complete; if favorable, appoint
 - a) Request for reappointment
 - i) John P. Collins
 - b) Letter of support from Chair

It was moved by Councilor DiGiando, seconded by Councilor Kelly to reappoint John P. Collins to the Personnel Board for a term ending May 31, 2010. So unanimously voted.

- 4) Tree Preservation and Protection Committee (one (1) vacancy, term ending 12/31/2007); if favorable, appoint
 - a) Letter of resignation
 - i) Walter Boll (resignation previously approved by Council)
 - b) Letter of interest
 - i) John P. Collins (previously interviewed)

It was moved by Councilor DiGiando, seconded by Councilor Kelly to appoint John P. Collins to the Tree Preservation and Protection Committee for a term ending December 31, 2007. So unanimously voted.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Establishment of a Tax Free Arts District

Councilor DiGiando inquired if the establishment of a tax free arts district for the island would result in enabling all artisans and artists to sell directly from their home or place of business and thus establishing a retail business in an area without following the proper zoning designations.

Mr. Rosenbaum noted that in the request for enabling legislation it should be noted that the Town Council would determine what areas in the Town would be considered the tax free arts district.

In the Council's discussion, it was important to clarify their understanding that the district would be defined by the Council and not through the enabling legislation.

It was the consensus of the Council to instruct the Town Solicitor to write the enabling legislation to allow for a tax free arts district in the town of Jamestown for submission to the State Legislature. This proposed legislation to be presented to the Council for their consideration at the next meeting of the Board of Water and Sewer Commissioners meeting.

- 2) Radio Frequency (RF) emission safety at water towers re:
advertising RFQ for emissions study

The Town Administrator informed the Council that Raymond Kasevich from Great Barrington, MA will help prepare the scope of work for a radio frequency emissions study to be conducted at the water tower site. Depending on the scope, it is expected that the study could cost between \$5,000 and \$10,000.

It was the consensus of the Council to continue the discussion regarding the radio frequency emission safety at the water towers to the June 25, 2007 Council meeting.

- 3) Seasonal Restrictions at East Ferry

The Council reviewed the seasonal restrictions for East Ferry from prior years and discussed the need to address these issues on a more permanent basis. Of most concern is the matter related to the safety of both the fishermen accessing the floating portion of the wood-pile pier and the boaters accessing the floating touch and go dock.

Councilor DiGiando noted the regulations attached to the assents issued by CRMC in which a portion of the dock is dedicated to recreational use and a portion is dedicated to commercial use. The safety of the users of the docks with fishermen casting near the boating public was again addressed.

It was the consensus of the Council to address the conflicting uses of the wood pile pier, with the intent of preserving an area for fishing separate from the boating public and to do this on a permanent basis rather than addressing the issue temporarily each year. Councilor DiGiando suggested that he work with the Harbor Commission to forward suggestions to the Council to address some of these issues on June 11, 2007.

Robert Bowen, Harbor Commission member, suggested that the Beavertail vessel be moved up approximately 20' to allow for fishing on that area of the dock. Mr. Bowen informed the Council that the restrictions adopted by the Council for the past few years have worked in controlling the mixed use at the pier.

The Town Council also discussed the need to continue with extended trash removal and monitoring the cleanliness of the restrooms.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the resolution whereby swimming and diving is restricted from the floating portion of the wood-pile pier; fishing is not restricted, but occupancy restrictions consistent with the safety of users of the floating portion of the wood-pile pier shall be set by police and harbor officials, and that fishing, diving and swimming is restricted from the new floating dock at East Ferry, and that both locations shall be posted with notice in accordance with this restriction. So unanimously voted.

- 4) Request from Verizon Communications and the Narragansett Electric Company to relocate one joint pole (P.16) location 32' as

shown on plan on Longfellow Rd.; if favorable, refer to the Public Works Director for review and administration

It was moved by Councilor Szepatowski, seconded by Councilor DiGiando to approve the petition from Verizon Communications and the Narragansett Electric company to relocate one joint pole (P.16) location 32' as shown on plan on Longfellow Rd. So unanimously voted.

- 5) Fire Department Incentive Committee re: review and adoption of proposed changes to the Jamestown Fire Department (JFD) Incentive Program
 - a) draft of proposed changes for review
 - b) final copy; if favorable, for adoption

The Town Administrator noted that the Council has before them the draft copy indicating the changes incorporated into the final copy of the Jamestown Fire Department Incentive Program as approved by the Board of Fire Wardens and membership. The Town Administrator explained that there was some updating of the policy and the inclusion of a cost of living escalator which will be tied to the Social Security cost of living adjustment for the retired life members and the active life members. Because of the fluctuating tax rate, qualified members would be entitled to receive a \$681.75 annual incentive. In addition, there are some corrections that were made to the review process.

The Town Administrator informed the Council that William Murphy, a member of the Fire Department Incentive Committee, would be available for any questions at the May 29 Council meeting.

It was the consensus of the Council to request that the Town Administrator invite Mr. Murphy to the May 29, 2007 Council meeting to answer questions regarding the proposed Jamestown Fire Department (JFD) Incentive Program.

EXECUTIVE SESSION PHASE II

It was moved by Councilor Schnack, seconded by Council President Long to enter into executive session at 8:35 p.m., pursuant to RIGL 42-46-5 (a) (5) real estate re: farmland acquisition.

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

Upon return to the regular session at 8:54 p.m., Councilor Schnack 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; Council President Long, aye.

ADJOURNMENT

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 8:55 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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