

TOWN COUNCIL MEETING
June 11, 2007

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 6:45 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, Council President

also present:

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

present for the executive session: A. Lauriston Parks, Esq.
Frederick W. Brown, Building and Zoning Official

EXECUTIVE SESSION, – Phase I

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

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to enter into executive session at 6:46 p.m., pursuant to RIGL 42-46-5(a) (2) pending litigation re: Zoning Board of Review Appeal. 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 6:58 p.m. Vice President DiGiando announced that there were no motions made in executive session.

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

It was moved by Councilor DiGiando, seconded by Councilor Schnack to instruct the Town Solicitor to proceed as discussed in the executive session. So unanimously voted.

REGULAR SESSION – 7:00 PM

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Awards of Recognition to volunteers who participated in the Jamestown Emergency Management Agency Shelter Operations – presented by Nick Logothets, Director of Emergency Services for the American Red Cross and Thomas P. Tighe, Jamestown Chief of Police

The following individuals were presented with certificates by Nick Logothets, Director of Emergency Services for the American Red Cross and Deb Tanner, Director of Seniors Helping Others, in recognition of their volunteer efforts in developing an emergency management agency shelter operation for the Town of Jamestown:

Mary Berthelot
Cathy Devellis
Joan Fink, Shelter Manager
Ron fink
Mary Kelly
Lewis Kitts
Joan McCauley, Communications Coordinator
John McCauley
Fred Pease
Samra Pease
Sarah Pease
David Robinson
Michael Robinson
Barbara Szepatowski, Animal Coordinator
Anne Tighe
Thomas Tighe
Nancy Ventrone
Richard Ventrone

2) Awards of Recognition for the donation of food for volunteers – presented by Thomas P. Tighe, Jamestown Chief of Police to:

- Phyllis Bedard, Trattoria Simpatico
- Fred Bingell, House of Pizza
- Charles Masso, Chopmist Charlies
- Joseph Medeiros, Portuguese American Citizens Club

Nick Logothets, Director of Emergency Services for the American Red Cross and Police Chief Thomas Tighe awarded certificates of recognition to the following restaurant owners for their donation of food and setting up the kitchen for the emergency management agency shelter operation:

Phyllis Bedard, Trattoria Simpatico
Fred Bingell, House of Pizza
Chuck Masso, Chopmist Charlies
Joseph Medeiros, Portuguese American Citizen's Club

Chief Tighe gave special recognition to Nick Logothets and Deb Tanner for their support and leadership in establishing the Jamestown emergency shelter.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to move the item #2 under New Business up on the agenda. So unanimously voted.

New Business

- 2) Emergency Parking Restriction (temporary) from one (1) minute past midnight on Sunday, July 1, 2007 to 8:00 p.m. Designate the streets listed as “no parking / tow zone” (per Chief of Police)

Police Chief Thomas Tighe presented a resolution to establish emergency parking restrictions for no parking / tow zone on specific streets to be enacted from one minute past midnight on Sunday, July 1, 2007 to 8:00 p.m.

It was the consensus of the Council to advertise the parking restrictions and to also designate and advertise areas for parking.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve Resolution No. 07-014 entitled “Temporary Parking Restrictions. So unanimously voted.

As presented in Resolution No. 07-14 and adopted by the Town Council, parking restrictions on the following streets shall be in effect from one minute after midnight on Sunday, July 1, 2007 and shall expire no later than 8:00 p.m. that same day:

TEMPORARY NO PARKING / TOW ZONES

- | | |
|--|---|
| Bay Street | High Street (both sides east from Green Lane) |
| Bay Terrace | Holmes Court |
| Bay View Drive | Hull Court |
| Bryer Avenue | Knowles Court (both sides –Conanicus Ave to |
| Buloid Avenue | Coronado St) |
| Calvert Place | Ledge Road |
| Davis Street | Mt. Hope Avenue (both sides – Bay view Dr to |
| Decatur Avenue | Calvert Place) |
| Dewey Lane | Newport Street |
| Dumpling Drive | Penny Road |
| Freebody Drive | Racquet Road |
| Fort Wetherill Road | Reise Road |
| Green Lane | Seaview Drive |
| Harbor Street | Southwest Avenue (both sides – Narragansett |
| | Ave to Hamilton Ave) |
| | Walnut Street |
| Entrance and exit ramps for Pell Newport Bridge | |
| East Shore Road adjacent to Pell Newport Bridge property | |

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

- 1) Adoption of Council minutes:
 - a) May 21, 2007 (work session)
 - b) May 29, 2007 (regular session)
 - c) May 29, 2007 (executive session)
 - d) June 1, 2007 (special session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Board of Canvassers (01/04/2007)
 - b) Zoning Board of Review (03/27/2007, 04/24/2007)
 - c) Jamestown Substance Abuse Prevention Task Force (05/09/2007)
 - d) Jamestown Personnel Board (10/12/2006)
- 4) CRMC Notices:
 - a) June 2007 Calendar

2) Bills and Payroll

Council Schnack questioned the account listed under NeoPost. The Town Clerk explained that this charge was for the postage meters located at the town hall and town offices.

It was moved by Councilor Schnack, second by Councilor Kelly to approve of bills and payroll as presented. So unanimously voted.

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) (2) collective bargaining
Councilor DiGiando announced that the Council would meet in executive session later in the evening, pursuant to RIGL 42-46-5 (a) (2) collective bargaining.

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

- 1) Town Administrator Report (verbal)

Parade of Sails – July 1, 2007

The Town Administrator discussed preparation for the Parade of Sails (Tall Ships), which will be held from June 27 to July 1. The event held in Newport is expected to significantly impact the Town of Jamestown. We can expect over 50,000 people passing through and visiting Jamestown over the several days of the event. The Town Administrator stated that he was very concerned with the day of the parade of sails. On July 1 we will have twenty (20) members of the National Guards, State Police and local police to assist with the traffic and flow of people. The EMS will be set up at Beavertail, Fort Wetherill, downtown and Taylor Point. We expect assistance from Exeter and Scituate. The Recreation Department is in charge of obtaining porta jons. We have a

request from the Chief of Police for temporary restrictions on parking. The Town Administrator reported that we expect to provide parking at the Melrose Avenue School and the Lawn Avenue School and possibly provide additional parking at Fort Getty. Presently, the Town is looking into providing shuttle service.

The Town Administrator noted that the last time tall ships sailed by Jamestown and Newport, the costs to Jamestown were approximately \$21,000.00. Through Senator Paiva-Weed and Representative Long, the State will provide \$7,000.00 for overtime pay; however, because of the statewide significance of the event, we will request additional funding.

It was the consensus of the Council that the Town Administrator forwards a letter to Senator Teresa Paiva-Weed and Representative Bruce Long requesting additional funding.

The Council discussed the proper permitting process for vendors to follow at the time of the tall ships event. The Town Solicitor noted that per ordinance and charter, vendors must submit an application for Council approval.

The Town Clerk informed the Council that license requirements were advertised in the Jamestown Press recently to remind vendors/peddlers to apply in time for any event.

The Council discussed their concerns with parking and suggested that the Town Administrator inquire about charging for shuttle service to and from public parking areas. Councilor Szepatowski suggested that attendees be reminded to leave pets at home and not to lock them in their vehicles.

State Water Resources Board – 5-Year Plan

The Town Administrator informed the Council that he was meeting with the State to review the status of the plan. At present, the Town is said to be in non-compliance; however, there were some very significant findings made available to the Town that were clearly factual errors, such as: a finding that there was a 38% increase in water district population – this is not true; another instance of factual error is the report that Jamestown Shores is experiencing poor water quality which would require an extension of public water service to the Shores – this is not true.

There was concern raised by the Council with the misinformation received by the State and included in the report of non-compliance. It was suggested that Juan Mariscal, General Manager of the Rhode Island Water Resources Board, be invited to the next meeting of the Board of Water and Sewer to discuss the Council's concerns.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Proclamation No. 07-013 re: Jamestown Graduates Week

It was moved by Councilor Schnack, seconded by Councilor Kelly to adopt Proclamation No. 07-013 in honor of the graduating class of 2007. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Letters from Emmet and Hazel Turley to RI Coastal Resources Management Council

- a) proposed pier for 569 Seaside Drive, Plat 3A, Lot 118

- b) proposed pier for 401 Seaside Drive, Plat 8, Lot 132

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the letters from Emmet and Hazel Turley. So unanimously voted.

- 2) Letters from James A. Donnelly

- a) to Town Planner re: Planning Board Appeal to Zoning Board of Review – Windridge Properties

- b) to Town Solicitor re: Windridge Properties, LLC; Ap9, Lot 201

It was moved by Councilor Szepatowski seconded by Councilor Kelly to accept the letters from James A. Donnelly. So unanimously voted.

- 3) CRMC Public Notice re: File No. 2007-05-043, Michael Powers 569 Seaside Drive re: application to construct and maintain a residential boating facility to consist of a 4' x 204' fixed timber pier, with a 4' x 20' "L" shaped terminus. The proposed dock extends to 132- feet beyond mean low water requiring an 82' length variance and a 15' side setback variance

It was the consensus of the Council that the CRMC notice be continued until the Council meeting on June 25, 2007, at which time it is expected that the Harbor Commission will have time to review the application.

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 Fort Getty Pavilion Entertainment License Application**

- a) Rita P. Lemieux, (Camp site location: 23)

11 Camp Street, Cumberland

Date: 06/30/2007

Time: 10:00 a.m. to 10:00 p.m.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Fort Getty Pavilion Entertainment License for Rita P. Lemieux for June 30, 2007 from 10:00 a.m. to 10:00 p.m. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address

a) Representative Bruce J. Long re: legislative update

Representative Long gave a legislative update to the Council. In addition, Representative Long asked for instructions on how he and Senator Paiva-Weed should proceed with the proposed legislation regarding the highway facility.

Because the decision to site the highway facility has been delayed, it was the consensus of the Council that both proposed legislation requests be passed in order for the Council to be allowed to select one site from the two under consideration.

b) Mary Webster re: highway facility

Ms. Webster questioned the proposed sale of Lot 47 and suggested that this is against what the voters and highway workers want.

2) Non-scheduled request to address

Robert Dolan, Coronado Street, stated that there is no reason for our insurance rates to be more raised and in some cases cancelled. Mr. Dolan stated that there is no scientific evidence that can predict with certainty that there will be an increase in hurricanes.

Leo Errara, Riptide Street, stated that there have been several instances of vehicles driving down to the water at the Jamestown Bridge. Mr. Errara asked for signs to be posted in an attempt to stop the parking and litter in that area.

The Town Administrator stated that he will meet with RIDEM to discuss both a short-term solution and a long-term solution to this problem.

Susan Little, North Main Road, stated that there was a water deficiency in the Jamestown Shores when a resident reported an issue with their well.

The Town Administrator noted that the well was polluted by the resident's failed septic system.

Raymond Iannetta, North Main Road, asked that the Council consider several issues when comparing the two sites for the highway facility. Mr. Iannetta asked that the costs of these additional requirements for Lot 47 be included when making the comparison. In addition, Mr. Iannetta stated that EPA is in the process of revising the way they determine the levels of contaminants.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

1) Highway Facility Site Selection

The Town Administrator stated that the reason for a delay in site selection for the highway facility is to discuss the recently submitted offer to purchase lot 47. In addition,

Mr. Keiser reported that the Newport Turnpike and Bridge Authority has not formally met to discuss the counter offer for the acquisition of the bridge property.

The Town Administrator noted that as the Council directed, there will be an advertisement in the Jamestown Press on Thursday for a Request for Proposals with certain conditions, for the purchase of Lot 47.

The Town Administrator informed the Council that all information should be in order for the Council to make a determination on the siting of the highway facility by the June 25, 2007 Council meeting.

NEW BUSINESS

- 1) Award of Bids
 - a) Downtown Charrette, Zoning Ordinance Update and Design Guidelines Project to the firm of Donald Powers Architects for a fee not to exceed \$63,000.00

Following a review of specifications by the Town Planner, it was moved by Councilor DiGiando, seconded by Councilor Kelly to award the bid to Donald Powers Architects for the Downtown Charrette, Zoning Ordinance Update and Design Guidelines Project for a fee not to exceed \$63,000.00. So unanimously voted.

- b) Geotechnical Engineering Services for the Salt Storage Building at the Wastewater Treatment Facility to GZA GeoEnvironmental in an amount not to exceed \$4,500.00

The Town Administrator asked that the award of bid for the engineering services for the salt storage building at the Wastewater Treatment Facility be continued to the meeting on June 25, 2007.

There were some questions raised by Council members regarding the need for engineering design work on a building for salt storage. The Town Administrator stated that the need for custom construction would be further reviewed with the Town Engineer.

- 2) Emergency Parking Restriction (temporary) from one (1) minute past midnight on Sunday, July 1, 2007 to 8:00 p.m. Designate the streets listed as "no parking / tow zone" (per Chief of Police)

Previously addressed.

- 3) Request for proclamation honoring Ellicott and Mary Wright and Patrick and Jemma Driscoll for their generous donation for the protection of land at Fox Hill Farm (per Councilor Kelly)

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to issue a proclamation honoring Ellicott and Mary Wright and Patrick and Jemma Driscoll for their generous donation for the protection of land at Fox Hill Farm. So unanimously voted.

EXECUTIVE SESSION – Phase II

1) Pursuant to RIGL 42-46-5 (a) (2) collective bargaining
It was moved by Councilor Schnack, seconded by Szepatowski to enter into executive session at 8:20 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.

Upon return to the regular meeting at 9:18 p.m., Councilor DiGiando announced that there were no votes taken in executive session.

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

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn the meeting at 9:20 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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