

**TOWN COUNCIL MEETING**  
**June 25, 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  
Michael Schnack  
William A. Kelly

Barbara A. Szepatowski arrived at 7:06 PM  
Council President Long left the meeting at 8:20 PM

also present:

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

**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 Schnack, seconded by Councilor DiGiando to accept the Consent Agenda as amended. It was voted four in favor with Councilor Szepatowski being absent for the vote. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) June 1, 2007 (executive session)
  - b) June 4, 2007 (annual financial town meeting)
  - c) June 11, 2007 (regular session)
  - d) June 11, 2007 (executive session – Phase I)
  - e) June 11, 2007 (executive session – Phase II)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Jamestown Personnel Board (03/29/07)
  - b) Jamestown Harbor Commission (01/24/07, 05/16/07)
  - c) Planning Commission (02/21/07, 03/07/07, 03/21/07, 04/04/07)
  - d) Jamestown Housing Authority (05/09/07)
  - e) Jamestown Library Board of Trustees (05/01/07)

- 4) CRMC Notices:
  - a) June 2007 Calendar
  - b) Agenda (06/12/2007)
- 5) DEM Notices:
  - a) Draft Septic System Regulations

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2) Bills and Payroll

Police Protection A/C# 70310.105

Councilor Kelly asked the Town Administrator to prepare a status update on the police retirement program.

Waste Removal A/C# 21000.757 \$6,681.60

Councilor Kelly noted that the lawn and leaf bags are still available. Councilor Kelly thanked the members of the community for their assistance in distributing the bags.

Councilor Kelly mentioned that the Town would be saving the rental fee for the Southwest Avenue building when the move is made to the new town hall. The annual rent for the property was approximated by the Town Administrator at \$6,500.00.

It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept the bills and payroll. It was voted with four in favor with Councilor Szepatowski being absent for the vote.

**EXECUTIVE SESSION ANNOUNCEMENT**

None

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

1) Town Administrator Report

Tall Ships

The Town Administrator informed the Council that the National Guard has assigned personnel to Jamestown to assist the police with traffic and order. Chief Tighe has assigned additional police staff for the tall ships event. Public parking will be available at the Melrose Avenue and Lawn Avenue schools, as well as at Fox Hill Farm. In order to help cut down on the amount of traffic on the streets, the Town will be providing shuttle service to several viewing areas. The charge for the shuttle will be \$5.00 per adult and \$2.00 per child. The Town Administrator also noted that there will be additional portajons at the assigned viewing venues.

Councilor Szepatowski arrived at 7:06 p.m.

The Town Administrator reported that he will continue to seek additional funding from the State to help defray the additional costs to the Town for this event.

2) Harbor Management Commission

- a) Letter from Chief Thomas P. Tighe, Executive Director, to CRMC re: public notice file no. 2007-02-014

It was moved by Councilor DiGiando, seconded by Council President Long to accept the communication from the Executive Director of the Harbor Commission. So unanimously voted.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

None

## **COMMUNICATIONS AND PETITIONS**

- 1) Copy of letter to the Town Administrator from James A. Donnelly re: public records request filed on behalf of Windridge Properties, LLC

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the letter from James A. Donnelly. So unanimously voted.

- 2) Letter from Jack Hubbard on behalf of neighbors on Emerson Road re: request for Council approval to eliminate poles numbered 6, 7 8 and 9

It was moved by Councilor DiGiando, seconded by Council President Long to accept the letter from Jack Hubbard. So unanimously voted.

The Town Administrator reported that he is in the process of reviewing the request to eliminate poles and will take the appropriate action.

- 3) Letter from Nick Robertson, Affordable Housing Committee Chairman re: request that Lot 47 not be sold and put in holding for future affordable housing

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Nick Robertson, Affordable Housing Committee Chair. 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) Exhibition/Event License Applications:
  - a) Application of the Holy Ghost Society dba: (same) to hold the annual Portuguese Heritage Day on Saturday, August 11, 2007 from 11:00 am to 7:00 pm at 11 Pemberton Avenue in the parking lot and front yard. Applicant did not submit insurance policy and is covered under current liquor license;

It was moved by Councilor Schnack, seconded by Council President Long to approve the Event License for the Holy Ghost Society to hold the annual Portuguese Heritage Day on Saturday, August 11, 2007 from 11:00 a.m. to 7:00 p.m. So unanimously voted.

- b) Application of the Conanicut Island Art Association dba: CIAA to hold the annual craft show on Saturday, August 18, 2007 from 10:00 am to 5:00 pm at the Community Center. Applicant has submitted an insurance policy and is requesting to waive the \$200.00+ vender fee;

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Event License for the Conanicut Island Art Association to hold the annual craft show on Saturday, August 18, 2007 from 10:00 am to 5:00 pm at the Community Center and to waive the vender fees. So unanimously voted.

- c) Application from Fred Brown dba: Jamestown Striper Club to hold the annual Kid's Fishing Derby on Saturday, July 28, 2007 from 8:30 to 11:00 am at the North Reservoir. Applicant did not submit an insurance policy;

It was moved by Councilor Kelly, seconded by Councilor Schnack to approve the Event License for the Jamestown Striper Club to hold the annual Kid's Fishing Derby on Saturday, July 28, 2007 from 8:30 to 11:00 am at the North Reservoir. So unanimously voted.

- d) Application of Donna Olney Kohler dba: Jamestown Chamber of Commerce to sell items at an information booth located outside the Community Center on Sunday, July 1, 2007 from 9:00 am to 5:00 pm. Applicant is in the process of acquiring a State promoter's permit and has not submitted an insurance policy. A fee of \$5.00 per vendor is expected to be paid to the Town Clerk's Office.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Event License for Jamestown Chamber of Commerce to sell items at an information booth located outside the Community Center on Sunday, July 1, 2007 from 9:00 am to 5:00 pm. So unanimously voted.

2) Entertainment License Applications:

- a) Application of Robert C. Saunders dba: Jamestown Community Band, Inc. to have a band during the 4<sup>th</sup> of July fireworks display on Wednesday, July 4, 2007 at Mackerel Cove Beach from 6:00 to 9:00 pm. Applicant did not submit insurance policy and has requested to waive the \$5.00 application fee.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Entertainment License for Robert C. Saunders dba: Jamestown Community Band, Inc. to have a band during the 4<sup>th</sup> of July fireworks display on Wednesday, July 4, 2007 at Mackerel Cove Beach from 6:00 to 9:00 pm and to waive the application fee. So unanimously voted.

3) One Day Peddle License Application:

- a) Application of Ruth V. Collins dba: Crafts & Flower Arrangements to sell silk and dried flower arrangements at East Ferry beach near Freddie Bing's Hotdog Thing on Saturday, June 30, 2007 from 7:00 am to 7:00 pm. Applicant did not submit an insurance policy;

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Peddler License for Ruth V. Collins dba: Crafts & Flower Arrangements to sell silk and dried flower arrangements at East Ferry beach near Freddie Bing's Hotdog Thing on Saturday, June 30, 2007 from 7:00 am to 7:00 pm. So unanimously voted.

- b) Application of Jamestown Lions Club dba: c/o Matthew Clarke to sell light sticks at the 4<sup>th</sup> of July fireworks display on Wednesday, July 4, 2007 from 6:30 to 9:00 pm at Mackerel Cove beach. Applicant has submitted insurance policy and requests to waive \$5.00 application fee;

It was moved by Councilor Kelly, seconded by Councilor Schnack to approve the One Day Peddler License for Jamestown Lions Club dba: c/o Matthew Clarke to sell light sticks at the 4<sup>th</sup> of July fireworks display on Wednesday, July 4, 2007 from 6:30 to 9:00 pm at Mackerel Cove beach and to waive the application fee. So unanimously voted.

- c) Application of Longade, LLC dba: Del's Lemonade to sell frozen lemonade at Beavertail State Park on Sunday, July 1, 2007 from 8:00 am to 8:00 pm. Insurance policy and health insurance certificate submitted. State letter of permission not submitted.

It was noted by the Town Clerk that Mr. Long has requested a change in location to East Ferry.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the One Day Peddler License for Longade, LLC dba: Del's Lemonade to sell frozen lemonade at EAST FERRY on Sunday, July 1, 2007 from 8:00 am to 8:00 pm. So unanimously voted.

## **OPEN FORUM**

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

Representative Long informed the Council that the two Highway Facility bills have passed the Senate and the House. It is possible that these bills can be adopted without Governor Carcieri's signature. Representative Long reported that the Art's District bill did not pass.

- b) Richard Allphin re: review of executive session minutes

Richard Allphin, Zoning Board of Review member, asked the Council to consider a review of executive session minutes dealing with zoning matters. Mr. Allphin suggested that the Council determine if any of these minutes can be released for review by the Zoning Board of Review.

The Town Solicitor suggested that Mr. Allphin put his request in writing to the Town Clerk, at which time a review of the matter would take place.

Because Mr. Allphin was not sure of which meetings contained Zoning Board of Review matters, the Town Clerk offered to assist with a search of the public records.

2) Non-scheduled request to address Delores DeFonte, 169 Conanicus Avenue, asked why the Bayview Apartments were not being kept up and why funding was not being provided through affordable housing.

Charlotte Zarlengo, Seaside Drive, asked that the Council consider the increased traffic and conduct an environmental assessment of the water quality for swimming at Head's Beach prior to supporting any additional moorings at that site.

Virginia Perry, Affordable Housing Committee, reported that the Town has applied for grant funding to be used to address the Conanicus Avenue property.

Valerie Molloy, Affordable Housing Committee, stated that the Newport Collaborative is working on a plan for the Conanicus Avenue housing.

## **APPOINTMENTS AND RESIGNATIONS**

None

Council President Long asked that the item listed under unfinished business and relating to the highway facility be moved up to this point on the agenda. There being no objection, Item #2, Highway Facility site selection was moved up on the agenda.

### Unfinished Business

2) Highway Facility re: site selection (continued from 6/11/2007)

### Lot 47

The Town Administrator updated the Council on information relating to the siting of the highway facility. The Town Administrator met with Michael Sullivan, Director of RIDEM to discuss information relative to the regulatory implications of the landfill closure approvals from RIDEM and other environmental questions relating to the use of the landfill for other purposes, such as materials storage area on lot 48, and the potential to access lot 47 using the improved existing road. Mr. Sullivan indicated that he would be relying on his staff to determine the necessary requirements for use of that road to a larger extent than what had been proposed in the 50% Design Plan. The Town Administrator noted that the Town Engineer, Michael Gray, has spoken to the Office of Waste Water Management staff and was informed that they do not expect that it would be necessary to make changes to the existing plan if there were additional use of the road by siting the highway facility on lot 47. However, until a specific plan is put forth, a final decision cannot be issued. The Town Administrator noted that he also discussed wetlands permitting for stormwater discharge and the requirement of a sign-off from the wetlands property owner. If the Town does not receive the sign-off, they cannot move

forward with the landfill closure or access to lot 47.

#### Rhode Island Turnpike and Bridge Authority

Regarding the Rhode Island Turnpike and Bridge Authority (RITBA) property, the Town Administrator stated that the price for the bridge property has been negotiated at \$97,500. The original price set by the RITBA was \$125,000, with a counter offer by the Town of \$90,000, negotiations continued to the \$97,500. This cost is the average of two appraisals and includes costs associated with the legal and environmental work brought forward because of the Town's interest in the property. Any legal and engineering costs going forward that would be associated with the siting of a highway facility at this location would be paid by the Town, with the exception of the first \$4,000 or \$5,000.

#### Purchase Offer for Lot 47

The Town Administrator reviewed the offer to purchase lot 47 from an abutting property owner, as well as the RFP that the Town advertised to solicit competitive bids. The Town has received only one bid for \$150,000. The Town would place a deed restriction on the property that would allow only passive use. Conditions proposed by the buyer were as follows:

- No highway facility would be built on lot 48
- Town would abandon Cedar Street (paper street) and lower portion of Prospect Avenue
- Merge lot 45 with lower portion of Prospect Avenue

The Town Administrator assured that the Town would retain the right to cancel the sale of lot 47 should any circumstances change.

Council President Long called for Council comments.

Each Council member expressed their thoughts and reasoning for their site selection prior to a formal vote.

It was moved by Councilor Szeptowski, seconded by Councilor DiGiando to select the Rhode Island Turnpike and Bridge Authority property and adjacent town-owned land for the siting of the highway facility and to move forward as soon as possible. It was voted Councilor DiGiando, aye; Councilor Kelly, nay; Councilor Schnack, nay; Councilor Szeptowski, aye; Council President Long, aye. The motion passed with three in favor and two opposed.

It was moved by Councilor DiGiando, seconded by Council President Long to hold an all-day referendum on the question relating to the highway facility on Tuesday, August 28, 2007. So unanimously voted.

The question for the August 28 all-day referendum is as follows:

*“Shall an act, passed at the 2007 session of the General Assembly, entitled ‘An act authorizing the Town of Jamestown to finance the construction of a highway garage at a site to be acquired from the Rhode Island Turnpike and Bridge authority and adjacent*

*town-owned land, and to issue not more than \$1,500,000 bonds and notes therefor' be approved?"*

The Town Administrator asked the Council to consider holding a special meeting this week to discuss the holding of a special financial town meeting for farmland acquisition. It was the consensus of the Council to hold a special Council meeting on Thursday, June 28 at 4:30 p.m. at the Town Hall.

Council President Long called for a break at 8:20 p.m.

Council President Long did not return to the meeting.

The Council returned to the meeting at 8:30 p.m.

### **UNFINISHED BUSINESS**

- 1) East Ferry
  - a) Wood Pile Pier re: resolution of uses (continued from 5/14/2007)
  - b) Infrastructure – Wood Pile Pier and Concrete Pier re: review and action (continued from 5/14/2007)

Councilor DiGiando reviewed the compilation of documents relating to the wood pile pier usage and the infrastructure repairs needed at the wood pile pier and the concrete pier at East Ferry. Altogether Councilor DiGiando presented nineteen (19) documents to the Council for their review. Councilor DiGiando stated that the first fourteen (14) documents pertain to user conflict and resolution, while the remaining few pertain to infrastructure. Councilor DiGiando reviewed each document, commenting on the pertinent information relating to the usage of the wood pile pier and the plans for maintaining and upgrading the infrastructure.

Councilor DiGiando stated that he hoped this information would assist the Council in the resolution of the conflict of uses between the three user-groups and to see that the needed repairs and maintenance at the piers be completed. There were questions relating to the possibility of amending the State assents to more reflect the users' needs of the piers. Because of the use of Federal funding, it was thought that this would not be possible.

The Council was in agreement that steps must be taken to resolve the conflict of uses and ensure that both short term and long range plans be addressed. There was a discussion on putting a subcommittee together consisting of the Town Administrator, Town Engineer and Council representation to identify the immediate needs.

It was the consensus of the Council that the Town Clerk schedule a work session in July with the Town Council and the Harbor Commission to identify the issues that need to be addressed.

- 2) Highway Facility re: site selection (continued from 6/11/2007) *(the Council may vote to address this issue following Item VII on the agenda)*

Previously discussed.

## NEW BUSINESS

It was moved by Councilor Kelly, seconded by Councilor DiGiando to move up on the agenda, item #3 under new business. It was voted with four in favor with Council President Long absent.

- 3) Award of bid re: Used VAC Truck for a 1989 autocar with 120,000 miles with a 1996 VacAll body (in good working condition) to Ballard Mack Truck Center for an amount not to exceed \$37,000

The Town Engineer explained that the Town presently pays approximately \$25,000 per year to a vendor for yearly catch basin cleaning. The purchase of this used vehicle would more than pay for itself within two years.

Councilor Kelly expressed his concern that a 1989 vehicle without any warranty was being considered and suggested that Mr. Gray investigate the possibility that it be sent to the ACI for refurbishing.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to award the bid for a used VAC Truck for a 1989 autocar with 120,000 miles with a 1996 VacAll body to Ballard Mack Truck Center for an amount not to exceed \$37,000. It was voted with four in favor with Council President Long absent.

- 1) Resolution No. 07-015 re: adoption of the restated Town of Jamestown, Rhode Island Police Department Pension Plan

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve Resolution No. 07-015 restating the Town of Jamestown, Rhode Island Police Department Pension Plan. It was voted with four in favor with Council President Long absent.

- 2) Endorsement of grant application to Safe Routes to School Program (in draft form)

The Town Administrator explained that the grant application is in draft form and will be finalized prior to submission.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to endorse the grant application to Safe Routes to School Program. It was voted with four in favor with Council President Long absent.

- 3) Award of bid re: Used VAC Truck for a 1989 autocar with 120,000 miles with a 1996 VacAll body (in good working condition) to Ballard Mack Truck Center for an amount not to exceed \$37,000

Previously addressed.

- 4) Jamestown Harbor Commission budget for adoption

a) Marine Development Fund Budget

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to approve the 2007-2008 Marine Development Fund Budget as presented by the Jamestown Harbor Commission. It was voted with four in favor with Council President Long absent.

5) CRMC Notice

a) 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

b) Harbor Commission Review of Notice No. 2007-05-043

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the CRMC Notice and Harbor Commission comments regarding the application of Michael Powers. It was voted with four in favor with Council President Long absent.

6) Proposed Ordinance Amendment to Chapter 66, Division 3. Members of Volunteer Ambulance Association and Fire Department; *set hearing date and order advertising*

It was the consensus of the Council to instruct the Clerk to set a hearing date and advertise the Proposed Ordinance Amendment to Chapter 66, Division 3. Members of Volunteer Ambulance Association and Fire Department.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the meeting at 9:28 p.m. It was voted with four in favor with Council President Long absent.

Attest:

Arlene D. Petit  
Town Clerk

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