

## **TOWN COUNCIL MEETING**

July 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 President David J. Long. The following members were present:

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

also present:

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

present for Bid Awards: Glen Mark, W B Mason

### **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 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) July 9, 2007 regular session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Fort Getty Master Plan Committee (04/26/2007, 05/08/2007)
- 4) CRMC Notice re: RICRMP Section 310 – Alteration to Freshwater Flows to Tidal Waters and Water Bodies and Coastal Ponds
- 5) Letter from the Attorney General re: 2007 Open Government Summit
- 6) Notice from Constellation NewEngery re: Energy Service Agreement
- 7) Tax Assessor's Abatements/Addenda

### **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) land acquisition  
Council President Long announced that the Council will hold an executive session at the end of the meeting, pursuant to RIGL 42-46-5 (a) (5) land acquisition.

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

1) Town Administrator Report (verbal)

Special Referendum Election – August 28, 2007

The Town Administrator reported that he met with Buddy Croft, Executive Director and Bernard Jackvony, Counsel for the Rhode Island Turnpike and Bridge Authority, (RITBA) to discuss the Council's concerns relating to the terms submitted by RITBA for the Town's purchase of property for the highway facility. RITBA will be addressing those concerns and reworking the language to establish a Purchase and Sales Agreement for the Council's consideration.

Tax Rate – July 1, 2007 – June 30, 2008

The Town Administrator reported a reduction in the proposed tax rate due to adjustments as presented by Appraisal Resources. The new tax rate for the July 1, 2007 – June 30, 2008 is \$7.81 per \$1,000 of assessed valuation.

Conanicut Island Raptor Project

The Town Administrator reported that the Conservation Commission is requesting a commitment from the Council for the creation of an osprey viewing platform to be located behind the stone wall adjacent to the Water Treatment Plant on North Road. This plan was previously reviewed by the Council; however, Christopher Powell, Conservation Commission Chair, would like to finalize the details and has been working with RIDEM and other organizations for funding. To date, Mr. Powell has received funding for binoculars for the viewing stand and hopes to receive additional grant funding for the project. The Town Administrator noted that this plan will be consistent with the Department of Environmental Management plan requiring two parking spaces at the Water Treatment Plant for the same purpose, as well as consistent with the plans for a bicycle path on the western side of North Road.

The Council discussed their concerns relating to the safety of individuals because of the proposed increase in traffic and activity in the North Road area. The Town Administrator addressed these concerns and noted that would expect that proper safety controls would be initiated.

PODS – Portable On Demand Storage

Councilor DiGiando noted that there has been an increase in PODS being used in Jamestown and asked if there were any governing guidelines that should be considered. Following Council discussion, the Town Administrator and Town Solicitor were directed to review the situation and report back to the Council.

- 2) Tree Preservation and Protection Committee
  - a) Letter from James Rugh re: 350<sup>th</sup> tree project

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from James Rugh. So unanimously voted.

- 3) Jamestown Wind Energy Committee
  - a) Letter from Chair re: committee requests

The Council reviewed the request from the Wind Energy Committee for the appropriation of \$50,000 to engage professional services to conduct a feasibility study and to direct the Planning Commission to consider the revision of the Zoning Ordinance to permit wind generators in the Open Space II District by Special Use Permit.

The Town Administrator noted that there was no funding budgeted for the Wind Energy Committee in the 2007 -2008 budget.

It was the consensus of the Council to invite the Wind Energy Committee to attend a Council meeting to give a short presentation and provide a breakdown on costs and possible grant funding.

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the communication from the Jamestown Wind Energy Committee. So unanimously voted.

### **PUBLIC HEARING**

None

### **ORDINANCES AND RESOLUTIONS**

None

### **COMMUNICATIONS AND PETITIONS**

- 1) Notice from Morneau & Murphy re: Master Plan Informational Meeting for Randall Gallery Plat 9 Lot 179 abutter notification

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the notice from Morneau and Murphy. So unanimously voted.

- 2) Copy of a letter from Portsmouth Fire Department Chief Jeffrey T. Lynch to the Jamestown Fire Department Chief James R. Bryer, Jr. re: Mt. Hope Marine Terminal fire assistance

Council President Long read the letter from Chief Jeffrey T. Lynch thanking the Jamestown Fire Department for their assistance in fighting the fire at the Mount Hope Marine Terminal in Portsmouth.

It was the consensus of the Council to forward a copy of the letter to the Jamestown Press.

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the letter from Portsmouth fire Department Chief Jeffrey T. Lynch. 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 Charles E. Petit dba: the Jamestown Chamber of Commerce to hold the 350<sup>th</sup> Celebration from Saturday, August 11 to Sunday, August 19, 2007 (see attached list for week long events and hours of operation). Applicant has not submitted an insurance policy.

There was Council discussion relating to the need for individual insurance policies for this community event. The Town Administrator suggested that it may be possible for the events to be covered through the Town's insurance with a TULIP policy.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the Exhibition/Event License contingent on proper insurance coverage and applicable signatures. So unanimously voted.

### **OPEN FORUM**

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

None

### **APPOINTMENTS AND RESIGNATIONS**

- 1) Jamestown Housing Authority
  - a) Letter of resignation from Shirley A. Dean

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the letter of resignation from Shirley A. Dean. So unanimously voted.

The Council expressed great concern regarding the verbal abuse Ms. Dean has experienced in her position as Resident Commissioner for the Jamestown Housing Authority.

It was the consensus of the Council to forward a copy of the letter to the Chief of Police and the Jamestown Housing Authority.

### **UNFINISHED BUSINESS**

- 1) Teen Center update (*per Councilor Szepatowski*)

The Town Administrator reported that there was a delay in the improvements for the teen center because of the length of time it took to find a qualified contractor to remove the asbestos at the Community Center. Once the asbestos is removed the electrical contractor

and the Town carpenter will complete the renovations. The Town Administrator stated that he is targeting September 1 as the opening date.

Councilor Szepatowski praised the staff and services that have been made available to the teens.

No action was taken.

## **NEW BUSINESS**

- 1) CRMC Public Notice application of Scott & Julia Green, 122 Spaulding Avenue, Brooklyn, CT re: construction and maintenance of a residential boating facility
  - a) Letter from the Harbor Clerk

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the notice from CRMC regarding the application of Scott and Julia Green. So unanimously voted.

Councilor DiGiando noted that the Harbor Commission will be taking a broader look at requests to construct residential docks to ensure that these facilities meet the guidelines set by the Harbor Commission.

- 2) Peddler License policy review

The Town Clerk reported that there has been an increase in requests for one day peddler licenses for retail sales in the East Ferry area. The policy established in 1996 was that only three “for profit” peddler licenses would be issued for the East Ferry area.

The Council questioned whether all three licenses were actively used; and, if not, those licenses that are not used should be relinquished. The Council also discussed concern with allowing one day retail sales for businesses that conflict with the established stores in the area, noting that it was an unfair advantage to individuals receiving one day licenses over business that expect their sales to cover the cost of retail storefronts and taxes.

It was the consensus of the Council to instruct the Town Solicitor to review the permitting of one day peddler licenses and seasonal peddler licenses in the East Ferry area and to report back to the Council at the next meeting.

- 3) Award of bid for annual road paving to T. Miozzi, Inc. for an amount not to exceed \$56.00 per ton for Bituminous Concrete Surface Course and \$56.00 per ton for Bituminous Concrete Binder Course

Following a review of the qualifications and references for T. Miozzi, Inc. by the Town Administrator, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to award the bid for annual road paving to T. Miozzi, Inc. for an amount not to exceed \$56.00 per ton for Bituminous concrete Surface course and \$56.00 per ton for bituminous Concrete Binder Course. So unanimously voted.

- 4) Award of bid for new office furniture for the Town Hall to WB Mason Co. for an amount not to exceed \$144,000.00

In answer to Council questions, the Town Administrator noted that the cost of the mid-priced furniture was included in the bonding for the town hall. The Town Administrator reviewed the breakdown of costs for a grand total of \$143,831.81. It was noted by the Town Clerk that the breakdown does not include the shelving system for the vault.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to award the bid for new office furniture for the Town Hall to WB Mason Co. for an amount not to exceed \$144,000.00. So unanimously voted.

- 5) Award bid for Professional Surveying Services for farmlands to Northeast Engineers and Consultants, Inc. for an amount not to exceed \$23,850.00

The Town Administrator reported that this surveying services request is to identify the boundaries of the three farms being considered under farmland acquisition. It is expected that the survey will be completed by the end of August. In answer to Council questions regarding the funding of the surveys, the Town Administrator stated that because parts of each farm include wetlands, we are working with RIDEM for water protection funding or the use of Town water resource protection funds.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to award the bid for Professional Surveying Services for farmlands to Northeast Engineers and Consultants, Inc. for an amount not to exceed \$23,850.00. So unanimously voted.

- 6) Request to send letter to RI Department of Transportation regarding parking on Conanicus Avenue (*per Councilor Kelly*)

The Council discussed the feasibility of changing the parking restrictions on Conanicus Avenue to allow for parking on the west side of the street rather than on the east side as presently done. Councilor Kelly stated that the resident's mailboxes are on the east side of the street where parking is allowed, causing difficulty in mail delivery. Councilor Kelly asked that the State reassess the parking and move it to the west side of the street between Lincoln Street and Walcott Avenue.

The Town Administrator suggested that the amendment to the parking restrictions be reviewed by the Town staff and the Traffic Committee for their recommendations.

It was the consensus of the Council that changes to the parking on Conanicus Avenue between Lincoln Street and Walcott Avenue be continued to the next Council meeting on August 14, 2007.

- 7) Setting goals for Town acquired Jamestown Shores tax sale lots (*per Councilor Kelly*)

Councilor Kelly asked that the Council review the efforts being made to acquire tax sale lots in the Jamestown Shores area in order to ensure protection of water resources. A discussion ensued outlining the work currently completed, noting that the next step for the Town to acquire the tax sale lots is to foreclose the rights of redemption.

The Town Administrator informed the Council that Larry Parks is actively working on the legal process and would be available to report to the Council on his progress. In addition, the Town Administrator suggested that the Town Engineer and the Environmental Scientist compile a prioritized list of critical lots to be considered for immediate attention.

It was the consensus of the Council to schedule Larry Parks to give an update on the acquisition of tax sale lots in the Jamestown Shores area.

- 8) Request to draft letters with Certificates of Appreciation to the Driscoll and Wright families (*per Councilor Kelly*)

It was moved by Councilor Kelly, seconded by Councilor DiGiando to forward Certificates of Appreciation to the Driscoll and Wright families for their efforts in preserving Fox Hill Farm. So unanimously voted.

### **EXECUTIVE SESSION**

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to enter into executive session at 8:29 p.m., pursuant to RIGL 42-46-5 (a) (5) land acquisition. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon return to regular session at 8:53 p.m., it was noted by Council President Long that no votes were taken.

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

### **ADJOURNMENT**

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Council President Long to adjourn 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