

TOWN COUNCIL MEETING

July 9, 2007

A regular meeting of the Jamestown Town Council was called to order at the Melrose Avenue School, 76 Melrose Avenue 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, Council President

also present:

Bruce R. Keiser, Town Administrator

Arlene D. Petit, Town Clerk

Peter D. Ruggiero, Town Solicitor

present for the administration of oath: Thomas P. Tighe, Police Chief

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Administration of Oath of Office to Probationary Police Officers (per Chief Thomas Tighe)
 - a) Tiffany Kopacz
 - b) Rui Silva
 - c) Theodore Hebert

Chief Tighe announced the names of the three new probationary police officers and noted that all three ranked in the top ten percent of their class.

The oath of office was administered by Council Vice President Julio DiGiando.

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) June 25, 2007 (regular session)
 - b) June 28, 2007 (special session)

- c) June 28, 2007 (executive session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (3/27/2007, 4/24/2007, 5/22/2007)
 - b) Jamestown Tree Preservation and Protection Committee (5/15/2007)
 - c) Jamestown Planning Commission (5/2/2007)
 - d) Board of Canvassers (5/14/2007)
- 4) CRMC Notices:
 - a) July 2007 Calendar (amended)
 - b) Semi-Monthly Meeting Agenda (amended)
- 5) LUCA Technical Training Announcement (2010 census)
- 6) Information Works! State Report Card 2007 (website address for full report)

2) Bills and Payroll

Councilor Kelly asked for additional information on why there was billing for two lawyers amounting to over \$7,000 for the month of June.

Legal – Account #70050.201

The Town Administrator explained that Larry Parks was working on several outstanding cases for the sake of continuity. In addition, it was noted that Mr. Parks has been working on tax sale lots in the Jamestown Shores area. In the last three months the Town has received clear title to approximately eight lots. Legal work, either through the courts or by working with the owners, continues on the delinquent tax lots.

It was the consensus of the Council that the Town Administrator would provide an updated report on the progress of this work.

Ambulance, JEMS incentive – Account #70600.101 \$29,255.50

Councilor Kelly asked that this be removed from consideration for payment until the Council discussed JEMS incentive as listed under new business.

Town Warrant, Town Hall – Pezzuco Construction Inc. \$603,285.00

The Town Administrator reported that Pezzuco Construction is expected to remain on target with the timeframe for completed construction. There have been a number of unexpected change orders that will be reflected in the cost of construction, as well as some reimbursements for items such as the downstairs vault for the Historical Society.

Councilor Kelly asked that a work session be scheduled to review the year-end budget to actual, the impact on the undesignated fund balance, the capital budget, and the revenue stream. The Town Administrator noted that all year-end expenses and revenues should be posted by the end of July and suggested that he schedule a work session in September to review that information with the Council.

It was moved by Councilor Kelly, seconded by Councilor Schnack to approve the bills and payroll with the exception of the JEMS incentive. 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 there would be an 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)

The Town Administrator gave a report relating to the Tall Ships event. The Town Administrator stated that in order to allow for public safety and the ability for the movement of emergency services the Town incurred expenses in the amount of \$27,000 for the following items:

- Shuttle buses (one on Saturday and two on Sunday)
- Port-a-jons (placed at all viewing venues)
- Police overtime

It was noted that the Town received a state allocation in the amount of \$7,000 for police overtime; however, the actual cost to the Town was \$20,000. The Town Administrator also noted that as previously discussed, Senator Paiva-Weed and Representative Long are attempting to provide for additional funding through legislation or a special grant.

Councilor DiGiando indicated that there were a number of complaints from residents because of the congestion caused by buses using downtown as a drop-off site for boat tours. Councilor DiGiando stated that there were no permits given for the use of the piers for these tours.

The Town Administrator informed the Council that he is planning to conduct a recap session with Town staff to look for areas that could be improved when working on an event such as the tall ships.

- 2) Jamestown Tree Preservation and Protection Committee re: tree planting at the new town hall on August 12th

The letter from the Jamestown Tree Preservation and Protection Committee was received with no action was taken.

- 3) Town Clerk Memorandum re: Licensing for Peddlers and Itinerant Vendors

The Council discussed the peddler policy presently in effect allowing for the licensing of a limit of three “for profit” peddlers in the East Ferry area. Council members were in agreement with allowing “non-profit” peddlers for special events and fundraising, but expressed concern over increased activity and competition for permits to sell “for profit”.

There were questions from the Council regarding the present licensees being responsible for adhering to the policy in effect by actively being at their assigned location for the number of days required.

The Council was in agreement that they could deal with peddler license requests individually when requests arise.

It was the consensus of the Council to put the Peddler Policy on the next Council agenda for review and action if necessary.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Peter D. Ruggiero, Town Solicitor re: executed deed transferring ownership of property to the Town of Jamestown for preservation; more specifically Plat 16, Lot 120

Town Solicitor Ruggiero informed the Council that the property known as Plat 16, Lot 120 was identified through the Water Resources Protection Committee and through the generosity of the owners, Robert C. and Mary Jane Blanchette, was able to be acquired by the Town.

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the executed deed transferring ownership of Plat 16, Lot 120 to the Town of Jamestown.

- 2) Certificate of Appreciation to Robert C. and Mary Jane Blanchette for their generous contribution of the above-mentioned property, Plat 16, Lot 120

It was the consensus of the Council that contributions to the Town should be recognized and individuals be thanked accordingly.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the presentation of a Certificate of Appreciation to Robert C. and Mary Jane Blanchette for their generous donation to the Town. So unanimously voted.

- 3) Copy of letter from Peter D. Ruggiero, Town Solicitor to the RI Water Resources Board in appeal of Non-compliance Determination: Town of Jamestown

The Town Solicitor informed the Council that he has not yet received a response to the Town's appeal of Non-Compliance Determination issued by the Rhode Island Water Resources Board.

It was moved by Councilor Kelly, seconded by councilor Szepatowski to accept the letter from the Town Solicitor. So unanimously voted.

- 4) Letter from Nancy Cloud re: building for Jack's Electric at 14 Clinton Avenue

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Nancy Cloud. 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.

The Council discussed the possibility of initiating a policy for reimbursing the Town for expenses incurred when an event requires Town services such as police, rescue, etc. If an event was sponsored by a non-profit, the Council agreed that, unless there were extenuating circumstances, no reimbursement would be necessary. As discussion continued, the Town Administrator pointed out that on an average, the total sum funded by the Town on a yearly basis is no more than \$6,000 or \$7,000. In addition, the increased traffic caused by an event brings money into local businesses and, in turn, to the Town by additional funds to the meals and beverage tax account. No action was taken.

- 1) Exhibition/Event License Applications:

- a) Application of Ernestine Fryburg dba: the Jamestown Rotary Club to hold Rides & Strides road race on Sunday, October 7, 2007 from 1:00 to 6:00 pm island-wide. Race route submitted; insurance policy not submitted.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the application for the Jamestown Rotary Club to hold Rides & Strides road race on Sunday, October 7, 2007 from 1:00 to 6:00 pm island-wide. So unanimously voted.

- b) Application of Ernestine Fryburg dba: the Jamestown Rotary Club to hold the annual APC Jamestown Classic around the island bike race on Monday, October 8, 2007 from 7:00 am to 4:30 pm island-wide. Race route submitted; insurance policy not submitted.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the application for the Jamestown Rotary Club to hold the annual APC Jamestown Classic around the island bike race on Monday, October 8, 2007 from 7:00 am to 4:30 pm island-wide. So unanimously voted.

- c) Application of the Jamestown Yacht Club dba: the Fools' Rules Regatta to hold their annual event on Saturday, August 18, 2007 from 8:00 am to 3:00 pm at East Ferry Beach. Included with application is the sales of t-shirts; insurance policy submitted.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to approve the application for the Jamestown Yacht Club dba: the Fools' Rules Regatta to hold their annual event on Saturday, August 18, 2007 from 8:00 am to 3:00 pm at East Ferry Beach and to approve the sale of clothing. So unanimously voted.

2) Fort Getty Entertainment License Application:

- a) Application of Maureen Coleman dba: Private Party to have a band on Saturday, August 18, 2007 from 10:00 am to 10:00 pm. Ft. Getty Application and insurance policy have been submitted.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve the entertainment license for Maureen Coleman to have a band on Saturday, August 18, 2007 from 10:00 a.m. to 10:00 p.m. at Fort Getty. So unanimously voted.

3) One Day Peddle License Applications:

- a) Application of Jeanne Comerford dba: the Basket Lady to sell baskets at East Ferry Beach area on Saturday July 21st and Sunday, July 22nd, 2007 from 10:00 am to 5:00 pm. Applicant has not submitted an insurance policy.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to deny the request for a One Day Peddler License from Jeanne Comerford. So unanimously voted.

- b) Application of Ruth Collins dba: crafts & floral arranging to sell floral arrangements at East Ferry beach (near hotdog stand) on Saturday, August 18, 2007 from 7:00 am to 7:00 pm. Applicant did not submit an insurance policy.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to deny the request for a One Day Peddler License from Ruth Collins. So unanimously voted.

4) Holiday License Application:

- a) Application of Kristina Arunas LLC dba: Overboard to sell boutique items at 47 Conanicus Avenue from 11:00 am to 7:00pm.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the Holiday License for Kristina Arunas LLC, dba: Overboard to sell boutique items at 47 Conanicus Avenue from 11:00 a.m. to 7:00 p.m. So unanimously voted.

OPEN FORUM

1) Scheduled request to address

- a) Representative Bruce Long re: legislative update

Representative Long reviewed legislation affecting Jamestown. In addition, Representative Long assured the Council that he and Senator Paiva-Weed would seek additional funding towards expenses incurred by the Tall Ships event.

2) Non-scheduled request to address

Valerie Molloy, Columbia Avenue, asked if the public would be able to weigh-in on the evaluation of the tall ships event. Ms. Molloy suggested that the Council consider allowing peddlers to sell merchandise further up Narragansett Avenue towards the municipal parking in an attempt to bring walkers by the businesses on Narragansett Avenue.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Tree Preservation and Protection Committee
 - a) Resignation of Edwina S. Cloherty

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the resignation of Edwina Cloherty from the Tree Preservation and Protection Committee. So unanimously voted.

UNFINISHED BUSINESS

- 1) Rhode Island Turnpike and Bridge Authority
 - a) Acceptance of offer to purchase property for the siting of the highway facility

The Town Administrator indicated that the response to the Town's request to purchase property owned by the Rhode Island Turnpike and Bridge Authority (RITBA) is presented to the Council for their review. The purchase would not be exercised until the special referendum of August 28 is approved by the voters. The Town Administrator suggested that the Council authorize him and the Town Solicitor to work out the details of an agreement to be presented to the Council for their review prior to the August 28 referendum. The Town Administrator pointed out that RITBA's request for reimbursement of expenses would need to be clarified; those include:

- legal costs
- engineering costs – site design
- remediation costs (although it is expected that removal of soil through site preparation will reduce the cost of mitigation)

The Council reviewed the proposal from the Rhode Island Turnpike and Bridge Authority with specific comments from Councilor Kelly and Councilor Schnack.

Councilor Schnack addressed two issues.

(on page 2) *“The Authority wants to review and approve the Facility’s design and how the property will be utilized.”*

Councilor Schnack asked how much of the RITBA land is included in the site. The Town Administrator answered that the amount of land added to the site by purchase of RITBA land would be approximately 25% of the whole site. Councilor Schnack expressed his displeasure that “the Authority” would have to review and approve the design when such a small percentage of RITBA property is being acquired by the Town.

The Town Administrator noted that he did not see this request as a stumbling block because he felt the Town and the RITBA are in agreement with the need for the proper aesthetics of the site and building.

(on page 1) *“We also may require additional provisions as necessary.”*

Councilor Schnack asked that all provisions be known prior to any agreement is signed.

Councilor Kelly asked that several issues be clarified prior to a vote on August 28.

(on page 2) *“The Authority wants to review and approve the Facility’s design and how the property will be utilized.”*

(on page 2) *“...the investigation of the Facility’s potential impact on the Authority’s operations, and the manner in which bulk materials, excess vehicles, and equipment will be stored at the Facility.”*

Councilor Kelly noted that it was his understanding that there would be no bulk storage at the bridge site; that it would be stored at the north end location.

(on page 2) *“...the Authority would need to further investigate whether there are other legal, safety, insurance or other issues of concern to the Authority.”*

Councilor Kelly stated that these issues must be clarified prior to the signing of this agreement.

(on page 2) *“We ask that the Town agree to reimburse the Authority for all costs incurred in connections with such investigations...”*

Councilor Kelly asked what those costs will be. Councilor Kelly expressed his concern with the RITBA having the oversight of a Town project.

The Town Administrator stated that he believed the RITBA is attempting to ensure that the project is properly sited from the bridge and ground. The Town is proposing that the site will not be diminished, but improved. The Town will be presenting 3D modeling, including elevations, indicating the structure, appearance and impact on the area.

Councilor Szepatowski asked if the Town Solicitor if there was time for the RITBA and Town to work out the details prior to the special referendum. The Town Solicitor stated that he would expect details to be worked out prior to a vote being taken.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the offer subject to the Town Administrator and the Town Solicitor moving forward with a Purchase and Sales Agreement for the Council’s approval followed by the approval of the qualified voters of the Town of Jamestown at a special referendum election on August 28, 2007. The motion passed with three in favor and Councilor Kelly in opposition.

- b) Approval of Question for August 28, 2007 Special Referendum as adopted on June 25, 2007

It was moved by Councilor Kelly, seconded by Councilor Schnack to approve the question for the Special Referendum Election as presented. So unanimously voted. The question and explanation as approved follows:

BE IT RESOLVED that by order of the Town Council, the electors of the Town of Jamestown will be asked to vote at a Special Referendum Election, to be held on August 28, 2007 to vote on the following question:

Shall acts, 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?

EXPLANATION:

Approval of this question would authorize the Town of Jamestown to borrow an amount not to exceed \$1,500,000 to construct a new highway garage at a site to be comprised of land purchased from Rhode Island Turnpike and Bridge Authority and adjacent town-owned land at upper Taylor Point.

- 2) Boards, Commissions and Committees re: review of committees and charges

It was the consensus of the Council to review the information provided by the Clerk and to continue any discussion or action to the August 14, 2007 Council meeting.

NEW BUSINESS

- 1) JEMS Compensation Review

The Council discussed an unauthorized stipend payment to the Board of Directors of the Jamestown Emergency Medical Services (JEMS) in the amount of \$2,800. In further discussion, Rich Hodges, Director of JEMS, noted that the membership of JEMS voted a stipend compensation for the officers because they are not compensated by any shift incentive.

Council comments indicated that the only non-shift stipend was to be made to the Director in the amount of \$10,000, as authorized by the Council through the budget adoption. All other payments were to be made through service incentives as outlined in the JEMS Incentive Program.

It was the consensus of the Council to instruct the Director of JEMS to meet with the Town Solicitor and Town Administrator to review the issue of the unauthorized payment and to make recommendations of any changes to be considered.

Bills and Payroll

Ambulance, JEMS incentive – Account #70600.101 \$29,255.50

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the JEMS incentive payment in the amount of \$29,255.50. So unanimously voted.

- 2) Procedure and Clarification of Open Meetings Law re: discussion of items not on the agenda (per Councilor Kelly)

The Town Solicitor noted that there is an informational meeting to be held by the Attorney General relating to the Open Meetings Law on August 3, 2007. It was the consensus of the Council that if there were any questions, this item would be put on the agenda again after the open meetings informational meeting.

- 3) Award of Bid re: road paving to Cardi Corporation for an amount not to exceed \$56.43 per ton for Bituminous Concrete Surface Course and \$55.55 per ton for Bituminous Concrete Binder Course

The Town Administrator asked to have the bid award continued until such time as the qualifications are reviewed for the low bidder. The Town Solicitor suggested that he review the specifications to insure that the proper procedure was followed.

No action taken.

- 4) Letter from Christian C. Potter, Esq. re: response to RFP for offer of George Souza to purchase Lot 47 subject to the term and conditions outlined in the June 21, 2007 letter

It was the consensus of the Council to take no action on the RFP to purchase Lot 47 until after the special referendum on August 28, 2007.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Councilor DiGiando to enter into executive session at 9:05 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 regular session at 9:23 p.m., it was noted by Councilor Kelly that no votes were taken.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to seal the minutes 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 Szepatowski to adjourn at 9:25 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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