

TOWN COUNCIL MEETING
August 14, 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 to discuss the status of Jamestown Shores tax sale lots: A. Lauriston Parks, Esq.

There being no objections, Council President Long asked that item #1 under new business be moved up on the agenda.

New Business

1) Status of Jamestown Shores tax sale lots

The Town Administrator provided a list of lots already acquired by the Town as well as lots presently being considered for acquisition.

Mr. Parks informed the Council of the process being followed to file petitions in court to foreclose the rights of redemption and obtain a decree to allow Town ownership of those tax sale lots. Mr. Parks stated that the process takes approximately two to three months. Mr. Parks further stated that there are approximately eighty (80) lots that have been acquired by the Town at tax sale; of those eighty (80) lots several have been held for fifty (50) years and as such, the town could own them outright; several have been redeemed by developers; the remaining are being researched and prioritized by the Town Planner for submission to court to foreclose the right of redemption. Mr. Parks reiterated Council comments noting that this has been an ongoing process for more than four years, culminating in the present and future acquisition of property for the protection of water resources.

Mr. Parks and the Town Administrator answered several questions posed by the Council:

- The cost of title work is approximately \$1,000 to \$2,000 per property
- The funding is from the Water Resources Protection Fund
- Several individuals are paying their back taxes and fees, donating the property to the Town and taking the tax benefits for the donation
- The fees paid to redeem title can offset the Water Resources Protection Fund payments
- If the Town owns the lot, it could be sold to abutters with covenants of non-development

The Town Administrator noted that in addition to the above, the Town has spent \$100,000 of the funds in the Water Resources Protection Fund to outright purchase five properties for the protection of water resources. In addition, Mr. Keiser stated that there have been land donations to the Town, and in some cases the owners took advantage of the tax benefits for their donation.

The Town Administrator noted that there is a present balance in the Water Resources Protection fund of \$500,000 with \$200,000 of that balance being dedicated to the acquisition of farmland.

It was the consensus of the Council that the Town Planner and Mr. Parks develop an automatic process to take possession of lots as they become available and they present that plan to the Council at the September 10, 2007 Council meeting.

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Site Plan for Proposed Highway Facility at Upper Taylor Point –
presented by the Town Administrator

The Town Administrator presented enhanced digital graphic renderings of photographs taken of the proposed site for the highway facility at upper Taylor Point. The presentation, lasting one hour, reviewed the proposed construction site, construction and make-up of the building, structural placement of any proposed outbuildings or storage areas, and the efforts being taken to minimize the extent to which the facility can be viewed from individual locations. In addition, Mr. Keiser noted that the project would necessitate a site plan review by the Planning Commission.

The Town Administrator stated that the Rhode Island Turnpike and Bridge Authority and the Town are in negotiations for the purchase of an approximate 6,000 sq. ft. portion of property to add to Town-owned land for the siting of the proposed facility. Included in the cost of the property would be legal and engineering fees paid by the Authority in preparation of this transaction.

The Council individually commented on several aspects of the plan and asked for additional information which was provided by the Town Administrator.

Council President Long allowed questions from the audience. The following individuals made comments:

Christine Ferguson, Bay View Drive
Susan Little, North Main Road
Mary Webster, Mount Hope Avenue
Raymond Iannetta, North Main Road

Following the presentation and questions, Council President Long asked for a break in the meeting at 8:35 p.m.

The Council meeting resumed at 8:45 p.m.

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. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) July 23, 2007 (regular session)
 - b) July 23, 2007 (executive session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Conservation Commission (06/12/2007)
 - b) Zoning Board of Review (06/26/2007)
 - c) Jamestown Housing Authority (06/06/2007)
 - d) Personnel Board (03/29/2007)
 - e) Harbor Management Commission (07/11/2007)
 - Technology Committee (05/09/2007)
- 4) CRMC Notices:
 - a) August 2007 Calendar
 - b) Semi-Monthly Meeting – Full Council Agenda August 28, 2007
 - c) Notice of Public Hearing re: Town of Jamestown CRMC File No. 2006-06-118
 - d) CRMC Workshop August 1, 2007 for a Public Hearing on August 28, 2007
 - e) Notice re: proposed changes to RICRMP/Management Procedures – Public Hearing to be held on September 25, 2007
- 5) DEM Notices:
 - a) Notice of Proposed Regulations & Public Hearing August 15, 2007
- 6) Notice of Administrative Decision
 - a) Application of Shawn & John Mayers, whose property is located at 78 Whittier Rd and further identified as Tax Assessor's plat 8 lot 228 for a variance from Article 3, Section 82-302 (Table 3-2) to construct a garage 22.5 feet from North Road (30' required). Said property is located in a R20 zone and contains 25,491 sq. ft.
- 7) Zoning Board of Review abutter notification
 - a) Application of Paul J. McDermott et, whose property is located at **57 Carr Lane** and further identified as Tax Assessor's **Plat 4, Lot 34** for a variance from Article 3, Table 3-2 (District Dimensional

Regulations) to construct an addition on the east side of the property 4 feet from the side lot line instead of the required 30 feet. Said property is located in a RR80 zone and contains 1.5 acres.

- b) Application of Donald C. Bresnan whose property is located at **10 Coronado St.**, and further identified as Tax Assessor's **Plat 8, Lot 598** for a special use permit from Article 3, Table 3-1 (I) (II) to return the building to mixed use, converting the second floor to residential use, first floor remains as business office. Said property is located in a CD zone and contains 7,320 sq. ft.
- 8) Invitation to attend the annual observance of the Battle of Rhode Island from the National Association for the Advancement of Colored People (NAACP) on August 29, 2007
- 9) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly reviewed the bills and payroll and offered substantiating information on several accounts. Councilor Kelly asked for additional information regarding the following account:

21000.851 Jamestown Community Theatre (funds for fall production) \$14,450.00
The Town Administrator stated that this is the release of funds set in reserve for the Jamestown Community Theatre. This payment is offset by Theatre production revenue and no Town funds are used.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the 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) (5) real estate (acquisition of property)
- 2) Pursuant to RIGL 42-46-5(a) (5) real estate (lease negotiations)
 - a) Fort Wetherill Boat Owner's Association
 - b) Dutch Harbor Boat Yard

Council President Long announced that the Town Council would hold an executive session at the end of new business, pursuant to RIGL 42-46-5(a) (5) real estate (acquisition of property) and pursuant to RIGL 42-46-5(a) (5) real estate (lease negotiations) to discuss Fort Wetherill Boat Owner's Association lease negotiations and Dutch Harbor Boat Yard lease negotiations.

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

- 1) Town Administrator Report (verbal)
 - a) Damage to Harbormaster Boat

The Town Administrator informed the Council that the recently purchased harbormaster boat is out of service because of a defect in the adhesive which has allowed the reinforced

rubber to separate from the hull. The manufacturer is claiming that the breakdown of adhesive was caused by the amount of electrolysis (electrical current in the water) in the water where the boat was moored. As such, the manufacturer is denying any responsibility for the defect. The Town Administrator noted that Professor Otto Gregory, Department of Chemical Engineering at URI, has been retained by the Town to assess the situation. Preliminary findings are that this breakdown is a product deficiency and not caused by electrolysis. Professor Gregory will continue testing and provide the Town with a report.

The Town Solicitor stated that the manufacturer has not denied the warranty on the boat at this time. If there is a denial, and Professor Gregory substantiates the cause, the Town would begin a product liability suit.

b) Affordable Housing Proposal / Town Offices

The Town Administrator informed the Council that the Southwest Avenue site was not selected for grant funding at this time. Church Community Housing has hired surveyors and is continuing to move the project along. It is expected that the Town will resubmit a grant application when the project is further along.

c) 2006-2007 Deer Management Report

The Town Administrator reported the following deer harvest for the Town of Jamestown for the 2006 season:

Archery	Muzzle	Shotgun	Auto Kill	TOTAL
35	16	1	26	78

The Town Administrator noted that the above-mentioned number does not include those deer harvested as nuisance kills. The Town Administrator stated that it is expected that the deer kill is close to the 126 that RIDEM stated was needed to significantly reduce the deer herd.

d) Tree Warden Appointment

The Town Administrator reported that he has interviewed an arborist to fill the position of Tree Warden. If the applicant is found to be appropriate for the appointment, the name will be brought forward at the next Council meeting.

2) Tree Preservation and Protection Committee

a) Letter from Chair re: proposed ordinance amendment to address appeal process

It was the consensus of the Council to forward the proposed ordinance amendment to the Tree Preservation and Protection Ordinance to the Planning Commission and Town Solicitor for their review and to set a hearing date.

b) Letter from Chair re: invitation to attend August 21, 2007 meeting

It was moved by Council President Long, seconded by Councilor DiGiando to accept the invitation to attend the August 21 Tree Committee meeting. So unanimously voted.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) Letter from Melissa A. Barrett re: Grinnell Street rental
It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the letter from Melissa A. Barrett. So unanimously voted.

2) Letter from Bill Sprague re: parking at the Ambulance Barn
It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the letter from Bill Sprague and to request a follow-up report from the Town Administrator at the August 27 Town Council meeting. So unanimously voted.

3) Letter from Anne Lane re: lyme disease
It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letter from Anne Lane. 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) Fort Getty Pavilion Fee Waiver:
a) Application of St. Matthew's Church to hold an annual picnic on September 9, 2007. Applicant requests to waive \$200.00 pavilion fee

It was moved by Councilor DiGiando to waive the Fort Getty Pavilion fee for the St. Matthew's Church annual picnic on September 9, 2007. So unanimously voted.

2) Fort Getty One Day Entertainment License Applications:
a) Application of James Simmons to have a DJ on August 17, 2007 from 5:00 to 10:00 pm.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the Fort Getty One Day Entertainment License for James Simmons to have a DJ on August 17, 2007 from 5:00 p.m. to 10:00 p.m. So unanimously voted.

3) Exhibition License with Vendors Application:
a) Application of St. Mark Church to hold the annual summer festival on August 25, 2007 from 9:00 am to 3:00 pm. Applicant has submitted a Certificate of Health Permit.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the Exhibition License with Vendor's Application to hold the annual summer festival on August 25, 2007 from 9:00 a.m. to 3:00 p.m. So unanimously voted.

- 4) One Day Peddler License Applications:
 - a) Application of Longade, LLC dba: Del's Lemonade to sell lemonade on August 17, 2007 from Noon to 8:00 pm to help benefit the Teen Center. Department of Health certificate and insurance policy have been submitted.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the One Day Peddler License for Longade, LLC dba: Del's Lemonade to sell lemonade on August 17 from 12:00 p.m. to 8:00 p.m. So unanimously voted.

- b) Application of the Jamestown Rotary Club dba: Annual Doughboy sales on August 18, 2007 from 8:00 am to Noon during the Fools' Rules Regatta. Applicant has not submitted a Department of Health certificate or insurance policy

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the One Day Peddler License for the Jamestown Rotary Club dba: Annual Doughboy sales on August 18 from 8:00 a.m. to 12:00 p.m. So unanimously voted.

OPEN FORUM

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

None

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Peddler License policy review (cont. from 07/23/2007)
 - a) Report from Town Solicitor

The Town Solicitor indicated that the Council has the ability to either issue peddler licenses or not for any specific area in Jamestown. It would also be to the Council's discretion as to whether they allow additional "for profit" peddler licenses.

It was the consensus of the Council to make no changes at this time to the present policy.

- 2) Boards, Commissions and Committees re: review of committees and charges (cont. from 07/09/2007 – information previously submitted to Council)

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to postpone the review of the Boards, Commissions and Committees at this time and to hold a work session before a Water and Sewer meeting in September. So unanimously voted.

NEW BUSINESS

1) Status of Jamestown Shores tax sale lots
Previously discussed.

2) Grinnell Street lease length (*per Councilor Szepatowski*)
Councilor Szepatowski noted that she had a concern that the lease for Grinnell Street was to be changed to a one-year lease. It has since come forth that the lease will be a two-year lease; therefore, there is no further discussion required.

- 3) Proposed ISDS variance application of Frank Narkievich
a) Comments from Michael Gray, PE, Town Engineer and
Justin Jobin, Environmental Scientist

It was moved by Councilor Schnack, seconded by Council President Long to accept the communication and comments. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Council President Long to enter into executive session at 9:25 p.m., pursuant to RIGL 42-46-5(a) (5) real estate (acquisition of property) and pursuant to RIGL 42-46-5(a) (5) real estate (lease negotiations) to discuss Fort Wetherill Boat Owner's Association lease negotiations and Dutch Harbor Boat Yard lease negotiations. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon the return of the Council from executive session at 9:50 p.m. Council President Long announced that there were no votes taken in executive session.

It was moved by Councilor DiGiando, seconded by Councilor Schnack 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; Council President Long, aye.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor DiGiando to adjourn the meeting at 9:53 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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