

TOWN COUNCIL MEETING

September 24, 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
William Piva, Interim Parks and Recreation Director

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Council President Long announced that the Council would be holding future Council meetings at the new Town Hall in the Council Chambers. President Long thanked the Library Director, staff, and Library Board of Directors for their hospitality and the use of the library for the past years.

Council President Long recognized the contributions and efforts of the Dutra family and the Neale family in the protection and preservation of farmland in the Town of Jamestown.

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) September 6, 2007 (special meeting)
 - b) September 6, 2007 (executive session)
 - c) September 10, 2007 (regular meeting)
 - d) September 10, 2007 (executive session)
 - e) September 18, 2007 (special financial town meeting)

- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Town Buildings and Facilities Committee (05/22/2007 & 06/26/2007)
 - b) Library Board of Trustee (08/07/2007)
 - c) Jamestown Housing Authority (07/11/ 2007)
- 4) CRMC Notice re: Semi-Monthly Agenda September 11, 2007
- 5) Zoning Board of Review abutter notification:
 - a) Application of Conanicut Marine Services, whose premises are located on Conanicus Avenue, and further identified as Lot 278, on Tax Assessor's Plat 8, to modify an existing Special Use Permit, under Article 3, Section 82-302 (Table 3-1) and Article 6, Section 82- 600, et seq., to permit the installation of a boat washing water collection, treatment, and recycling system, with a concrete collection pad 40' x 80', two additions to the existing south boat storage shed, one being 20' x 85', and one being 8' x 10', and the upgrading of the site's electric service from 100 amp to 200 amp. Said premises are located in the R20 zone, and contain 10.21 acres.
 - b) Application of Jacqueline & Anthony Lampasona, whose property is located at 15 Bark Ave., and further identified at Tax Assessor's Plat 16, Lot 24 for a special use permit as per Article 3, Section 82:314 to replace an existing house with a new home & new septic system in the High Groundwater & Impervious Layer Overlay District. Said property is located in a R40 (R20) zone and contains 8,757 sq. ft.
 - c) Application of Patricia Ouimette, whose property is located at 783 North Main Rd., and further identified as Tax Assessor's Plat 15, Lot 352 for a variance from Article 3, Section 82-302 to construct a 3 bedroom single-family residential home with attached garage located 20 ft. from the side lot lines instead of the required 40 ft. Also, due to the size of the existing lot, a building lot coverage variance is being requested from the required 5% to 8.6%. The existing house will be demolished. Said property is located in a RR 200 zone and contains 24,050 sq. ft.

7) Abatements/Addenda of Taxes

Clerk Note: Inadvertently #6 was not included on the consent agenda.

2) Bills and Payroll

Councilor Kelly requested additional information on the following accounts:

11000.785 Viking Tours of Newport \$500.00

The Town Administrator informed the Council that this expense was for the senior citizens trip. A portion of the funding is from grants and a portion is from direct contributions from the police union.

70800.322 Hallman Septic Service & Portable Toilets \$2,115.00

William Piva, Parks and Recreation Director, explained that included in the cost of waste removal at the Fort Getty area was an added expense to repair the upper restroom at Fort Getty.

The Town Administrator noted that research is being conducted in order to establish a plan for waste removal and waste hauling for the future.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to approve bills and payroll. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

The Town Council may seek to go in Executive Session to discuss the following items:

None

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

- 1) Town Administrator Report (verbal report)
 - a) Fire Marshal and Fire Inspection Staffing

The Town Administrator reviewed the increase in the workload for the Fire Marshal/Inspector required to meet State Fire and Life Safety Code regulations for both commercial and residential inspections and plan review duties. Presently, the Fire Department budget includes funding for a full-time Dispatcher/Maintenance position (\$46,939), a part-time Fire Chief (\$25,585), and a Fire Inspector (\$5,800). The average total hours per week to meet State and Local requirements have increased to 43 hours per week. In order to ensure the safety of the community, the Town Administrator concurred with the recommendation of the Fire Chief to fund for the 2007/2008 fiscal year, 24 hours per week of additional staffing at \$20.00 per hour for a total of \$16,640. The funding for those hours would be in the following manner:

\$11,000 existing fire prevention reserve

\$ 5,640 through fee revenue and/or under spending from approved budget line items

The Town Administrator suggested that when the Council reviews the 2008/2009 fiscal year, budget decisions would then be made for the future funding of the staffing for this function.

In answer to questions by the Council, Chief Bryer stated that the residential inspections are presently handled by Chief Christman, commercial inspections are performed by Deputy Chief Tighe and Chief Bryer, and communication maintenance performed by Firefighter Caswell, and unless otherwise notified, it is expected that these individuals will continue performing the necessary inspections. Mr. Bryer noted that training would continue to be provided by the Fire Department.

It was the consensus of the Council that this was an administrative decision and would be included for discussion in the next budget process.

b) Wildlife Management – Outreach to Private Property Owners

The Town Administrator noted that as previously discussed with the Council, letters were sent to property owners of 10+ acres to inquire as to whether they would be willing to allow one or more licensed hunters on their property to assist in controlling the deer herd in Jamestown. The Town Administrator stated that he has been working with RIDEM to provide a list of qualified hunters for property owners to choose from. To date, there have been four or five property owner inquiries into the program.

Following Council discussion, the Town Administrator was directed to advertise the hunting program in the Jamestown Press in an attempt to reach more property owners.

Councilor Kelly requested information on damage costs to property and damage costs to vehicles caused deer strikes.

c) Highway Barn update

The Town Administrator reported that he would expect the Rhode Island Turnpike and Bridge Authority (RITBA) to hold a special meeting regarding the purchase of the property for the highway barn. The Town Administrator further reported that he has met with the Conservation Commission regarding environmental impact and that the Town Engineer has begun some site inquiries for stormwater discharge. The site plan and specifications may be prepared by the end of October, and if so, will be brought before the Council for their review and approval. Upon questioning, the Town Administrator informed the Council that the samples of construction materials as requested by RITBA will be forwarded to them., once those samples are received, it is expected that a formal decision will be made and preparation begun on the highway facility.

Lot 47

The Town Administrator reported that the initial offer from the potential purchaser of Lot 47 indicated that if the purchase of the highway facility site was approved, it would be followed by a September closing date. The Town Administrator stated that he would be notifying the purchaser of a more accurate closing date once the Town has made arrangements to close on the RITBA property.

d) Harbor Management budget process

The Town Administrator reported that the Harbor Commission, through the Executive Director, submits a recommended budget to the Town Administrator, who then provides a recommended budget to the Town Council for their review and approval; thereby leaving the Council with the ultimate decision. The Town Administrator noted that in the past, there have been questions as to whether the Harbor Commission should be responsible for the overseeing of the operations of the waterfront and whether the budget can be administered separate from the general fund. In question also is the harbor capital budget funding required to repair and maintain the waterfront assets. The Town Administrator informed the Council that he would come forward with a recommendation at the October 9, 2007 meeting, reorganizing that function so that we can better address the needs in the overall community capital budget planning process.

e) Harbor Patrol boat – warranty claim

The Town Administrator stated that Professor Gregory has concluded that the damages to the harbor patrol boat were manufacture related.

The Town Solicitor has sent out notice to the manufacturer informing them of these findings and he will report to the Council when a reply is received or when it is necessary to take further action..

f) Beavertail Lighthouse - License Agreement

The Town Administrator reported that the license agreement for the Beavertail lighthouse expires as of September 30, 2007; although there is a hold-over provision.

The Town Administrator recommended the following:

- assess Town's responsibility of managing the facility without the position of caretaker
- assess the possibility of the Town relinquishing the license agreement to RIDEM or other entity; thereby allowing for expansion of occupancy

It was the consensus of the Council to request that the Town Administrator provide the yearly costs to the Town for the lighthouse property, as well as any other information available for continued discussion at the October 9, 2007 Council meeting.

g) New Town Hall schedule

The Town Administrator reported that the new town hall will open on October 4, 2007.

h) CRMC violation re: Beavertail Road property clearing within 200' of coastline

The Town Administrator reported that CRMC is handling the Procaccianti violation in a normal administrative process regarding the restoration requirements. The Town Administrator stated that there has been some interest in forwarding a letter to CRMC from the Town recognizing that we are opposed to the clearing, but we are supportive of the agricultural use of the property as part of our Comprehensive Plan.

There was Council discussion; however, no agreement was reached and no action taken.

Jamestown Shores – Environmental Protection

The Town Administrator reported that eighteen (18) tax sale properties are in varying stages of approval or review to foreclose the right of redemption.

As a reply to a question on the groundwater monitoring devises expected to be used in the Jamestown Shores, the Town Administrator stated that RIDEM has determined that they cannot use the information from these devises because there determinations are based upon mean high water table readings. However, discussion is ongoing between Town staff and RIDEM to consider cumulative impact by implementing a review of onsite conditions by the Town staff with a full analysis to be given to RIDEM prior to any decision for an ISDS application. In addition, RIDEM is considering a private well ordinance that would require well sampling data to be forwarded to them.

Councilor DiGiando suggested that even if RIDEM cannot use the information provided by the groundwater monitoring devices, the Town could still take advantage of the information.

Councilor Szepatowski expressed her concern regarding emergency ISDS repairs being held up because of the changes being proposed by RIDEM.

- 2) Jamestown Housing Authority
 - a) Letter to the Town Clerk re: meeting date change

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

- b) Letter from Executive Director re: appointment of a Resident Commissioner

It was moved by Councilor Szepatowski, seconded by Councilor DiGiando to accept the communication from the Executive Director of the Jamestown Housing Authority. So unanimously voted.

Councilor DiGiando asked the Town Solicitor to provide clarification on the language in the Executive Director's letter regarding the election of a resident commissioner.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Resolution 07-22 Authorizing Issuance of Bonds and Notes for Acquisition of Real Estate (as passed at the 09/18/2007 special financial town meeting)

The Town Administrator noted that the final figures for the collection of outside contributions is not known at this time; therefore, it may be necessary to increase or decrease the \$1,600,000 being requested in the resolution.

The Town Solicitor recommended that the resolutions before the Council be adopted as presented; then if it is found that additional funding is required, a special Council meeting could be held to do so.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to adopt Resolution 07-022, authorizing the issuance of bonds and notes for the acquisition of real estate. So unanimously voted.

- 2) Resolution 07-23 Authorizing Acquisition of Real Estate and Contracts for Grants (as passed at the 09/18/2007 special financial town meeting)

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to adopt Resolution 07-023, authorizing the acquisition of real estate and contracts for grants. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Letter from the Honorable Governor Donald L. Carcieri re: CDBG award of \$33,650.00

The Council expressed disappointment in the amount of CDBG funds awarded to Jamestown. As mentioned in Governor Carcieri's letter, of the over \$5 million being awarded to 32 Rhode Island communities, Jamestown received only \$33,650.

The Town Administrator noted that the Town Planner forwarded a grant application for this discretionary funding; and although Jamestown is perceived as having a lesser need, it is hoped that as we plan for the future needs of the community we will receive an increase in the grant award.

The Council discussed the possibility of requesting Representative Long and Senator Piva-Weed to address the minimal amount of funding awarded to Jamestown and to ask that future funding be increased to meet the needs of the proposed projects.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Honorable Governor Carcieri. So unanimously voted.

- 2) Copy of letter from John & Mary Brittain to the Tree Preservation and Protection Committee re: Town Golf Course

The Town Administrator informed the Council that he will be meeting with Jack and Mary Brittain to discuss their concerns relating to the tree plantings at the golf course.

There was Council discussion regarding the issue of safety because of the potential danger of golf balls hitting cars or people while passing by on Conanicus Avenue. There was also discussion regarding the level of risk versus the remedy.

The Town Administrator noted that the Town is the owner of the property and responsible for any liability; however, he stated that he would try to achieve a balance in the remedy, keeping in mind that safety is the number one priority.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from Jack and Mary Brittain. 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.

None

OPEN FORUM

- 1) Scheduled request to address

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a) Representative Bruce Long re: Legislative update
Representative Long noted that he agreed with the Council in their approach for requesting additional CDBG grant money and would forward that request to Senator Piva-Weed as well.

Representative Long gave the Council a verbal update on recently passed and pending legislation.

2) Non-scheduled request to address
Valerie Molloy, Columbia Avenue, expressed concern that the Town would be interfering or commenting on the handling of the administrative action of CRMC against Procaccianti.

Robert Dolan, Coronado Street, asked that the Council consider renting office space at the golf club and the sale of the Town office building as sources of revenue for the Town. In addition, Mr. Dolan suggested that the Town consider the barn site, which could sell for \$1,000,000.

APPOINTMENTS AND RESIGNATIONS

1) Jamestown Housing Authority, one (1) vacancy, term ending 12/31/2008 (duly advertised); if favorable, for appointment
a) Request for appointment from Russell C. Benjamin
It was the consensus of the Council to interview Mr. Benjamin at the next Town Council meeting on October 9, 2007.

b) Letter from J. Peter McGuirl re: Russell C. Benjamin
It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from J. Peter McGuirl. So unanimously voted.

2) Jamestown Tree Warden
a) Approval from the Director of the Department of Environmental Management of Appointment of Steven Saracino as the Tree Warden for Jamestown
It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the communication from the Director of the Department of Environmental Management. So unanimously voted.

UNFINISHED BUSINESS

1) Dutch Harbor Boat Yard re: past due rental payment (continued from 09/10/2007)
The Town Administrator reviewed the amount of money owed to the Town by the lessee of the Dutch Harbor Boat Yard:

<u>Permit Fees (to be adjusted for 2007)</u>	
Due on May 15, 2007	\$8,274.90

Due on August 15, 2007 \$8,274.90

Property Tax (last quarter 2006, first quarter 2007)

\$27,009.00

The Town Solicitor noted that a letter was sent to the lessee notifying them of the breach of lease; however, it was returned as undeliverable. The Town Solicitor recommended that the letter be hand delivered and that the Town publish a Request for Proposal (RFP) for the lease of the boat yard.

Councilor DiGiando expressed his concern that boats may be left in the water without any means of removal.

The Town Administrator assured the Council that he would continue in his efforts to bring about a reasonable solution.

NEW BUSINESS

- 1) Award of Bid re: Teen Center Electrical Bid to Jack's Electric, Inc. in an amount not to exceed \$7,210.00

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to award the Teen Center Electrical Bid to Jack's Electric, Inc. in an amount not to exceed \$7,210.00. So unanimously voted.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Councilor Szepatowski to adjourn the final Council meeting to be held at the Jamestown Philomenian Library at 8:25 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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