

TOWN COUNCIL MEETING

November 22, 2004

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:06 PM by Council President Kenneth G. Littman. The following members were present:

David J. Long, Vice President
Julio J. DiGiando
Claire W. Ferguson
Guy J. Settipane

also present were:

Thomas P. Tighe, Interim Town Administrator
Arlene D. Petit, Town Clerk
Lisa Bryer Town Planner

A Lauriston Parks, Town Solicitor left at 7:25PM

J. William W. Harsch, Town Solicitor arrived at 7:25 PM

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Town Administrator position
 - a) Award position to Mark W. Haddad

It was moved by Councilor DiGiando, seconded by Councilor Long to appoint Mark W. Haddad as Town Administrator.

Council President Littman reviewed the selection process for hiring Mr. Haddad as Town Administrator, as well as Mr. Haddad's qualifications and over sixteen years of experience as a Town Manager.

The Town Solicitor informed the Council that Mr. Haddad has agreed to the terms of the contract as presented to the Council; however, he is aware that the contract must be approved by the Council.

It was moved by Councilor Settipane, seconded by Council President Littman to amend the motion to add that the terms of employment are subject to the final approval of the Town Council. The amendment to the main motion was unanimously voted.

The main motion as amended was unanimously voted.

Council President Littman announced that it is expected Mr. Haddad will begin as Town Administrator on December 6, 2004.

Council members commended the Town Administrator Search Committee for a job well done.

2) RI National Guard presentation re: Landing Zone at Dutch Island

Colonel Kenneth Gareau of the Rhode Island National Guard requested that the Town Council allow Dutch Island to be used as a landing site for advance training of pilots. Colonel Gareau informed the Council that the natural environment of Dutch Island would challenge pilots and help prepare them for their duties prior to being sent into combat. Colonel Gareau stated that the Rhode Island National Guard already is flying over the area. There are fourteen Black Hawk helicopters and six air ambulances, it is expected that there will be approximately one or two flights per year for each of the seventy (70) pilots at random times between the hours of 9:00 AM to 11:00 PM.

The following residents spoke in favor of the request from the Rhode Island National Guard:

Colonel Daniel Lilly, Seaside Drive
Nancy Mason, Lugger Street
Fred Pease, Maple Avenue
William Munger, Cole Street

In answering concerns from the Council, Colonel Gareau stated that the National Guard would monitor the noise level and would navigate around any problem spots.

It was the consensus of the Council to revisit and reconsider the request by the Rhode Island National Guard for permission to use Dutch Island as a training site at the Council meeting on December 13, 2004.

COUNCIL SITTING AS ALCOHOLIC 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 #1(c) be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor Ferguson to approve the Consent Agenda as amended. So unanimously voted.

The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) October 25, 2004 regular meeting
 - b) November 8, 2004 regular meeting
 - c)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:

- a) Conservation Commission (10/12/2004)
 - b) Harbor Management Commission (10/13/2004)
 - c) Jamestown Housing Authority (10/06/2004)
 - d) Tree Preservation and Protection Committee (10/19/2004)
 - e) Tax Assessment Board of Review (10/18/2004, 11/08/2004)
 - f) Library Board of Trustees (10/19/2004)
- 4) CRMC Notices:
- a) RIDOT, attn: E. Szymanski, PE, 2 Capitol Hill, Providence re: assent to modify existing assent for Jamestown Bridge demolition/disposal permit
 - b) Osprey Creek, LLC, 297 Cowesett Avenue, West Warwick, re: construction of a residential boating facility at Plat 4 Lot 39, 486 East Shore Road
 - c) Donald & Harriet MacAllister, 864 East Shore Road re: assent to construct a residential boating facility at Plat 2 lot 222, 864 East Shore Road
- 5) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - c) November 18, 2004 special meeting

Councilor Long noted that the November 18 meeting began at 6:38 PM not 7:38PM. The Clerk was asked to make a change to the minutes.

It was moved by Councilor Long, seconded by Councilor Ferguson to approve the November 18, 2004 minutes as amended. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Littman announced that there would be an executive session later in the evening, pursuant to RIGL 42-46-5 (a) (1) personnel, RIGL 42-46-5 (a) (2) collective bargaining and RIGL 42-46-5 (a) (5) real estate.

- 1) Pursuant to RIGL 42-46-5 (a) (1) Personnel (2)
- 2) Pursuant to RIGL 42-46-5 (a) (2) Collective Bargaining
- 3) Pursuant to RIGL 42-46-5 (a) (5) Real Estate

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

- 1) Town Administrator Report (verbal)

The Town Administrator informed the Council that there would be no report as he was away at a conference and on vacation.

- 2) Department Director Reports

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the report from the Deputy Public Works Director. So unanimously voted.

- 3) Jamestown School Department
 - a) Copy of letter to the Editor re: Jamestown: A School Community Partnership

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the copy of a letter to the Editor regarding Jamestown: A School Community partnership. So unanimously voted.

- 5) Affordable Housing Committee
 - a) Memorandum re: Jamestown Land Bank & Affordable Housing Trust Act

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the memorandum from the Affordable Housing Committee. So unanimously voted.

- b) Memorandum re: Beavertail Lighthouse

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letter from the Affordable Housing Committee regarding the Beavertail Lighthouse. So unanimously voted.

- 6) Planning Commission
 - a) Memorandum re: Jamestown Land Bank & Affordable Housing Act

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the memorandum from the Planning Commission regarding the Jamestown Land Bank & Affordable Housing. So unanimously voted.

PUBLIC HEARING

- 1) Proposed Housing Element Amendment of the 2002 Comprehensive Community Plan entitled Town of Jamestown Affordable Housing Plan (cont. from 11/08/2004)

Council President Littman opened the public hearing on the proposed Housing Element Amendment of the 2002 Comprehensive Community Plan entitled Town of Jamestown Affordable Housing Plan (Plan) at 7:50 PM.

The Town Planner informed the Council that Barbara Sokoloff, consultant for the preparation of the Plan and Bridgett Ryan and Bruce Bartlett from Church Community Housing were present to answer any questions that the Council might have.

Anthony Simeone, Hull Street, inquired about the financial component of the Plan and when the Council would make a decision on the type of financing.

President Littman explained that there is a range of financial options being considered.

Barbara Sokoloff, consultant, noted that the Town is responsible for the mechanisms by which housing can be provided. Funding is dependent on Federal and State sources.

Daniel Lilly, Seaside Drive, stated that he was very concerned about the transfer tax and requested that it be removed from the Plan.

William Murphy, Hamilton Avenue, Affordable Housing Committee member, stated that the funding vehicles for Council consideration should remain in the Plan and at a later date the Council can decide which alternative is to be used.

Patrick Bolger, Fore Royal Court, inquired if the Council has created a legal document that explains the Trust Fund and its powers and is that document available to the public.

The Town Planner noted that the Affordable Housing Plan states that a trust fund will be established. Although not presently endorsed by the Planner, it was noted that there is legislation prepared which includes a detailed description as to how this trust would work.

Mr. Bolger stated that the Council had previously indicated that the Open Space Plan would be available prior to presenting legislation to establish the trust.

President Littman noted that the Council would hold a work session sometime next year to discuss this legislation.

Anthony Simeone questioned if the Land Bank and Affordable Housing Bank should be two separate issues. The Land Bank purchases land to protect it from development and the Affordable Housing Bank is used to develop affordable housing.

President Littman stated that in 1997 the then Council proposed a land transfer tax for the Land Bank; however, the legislation never passed. President Littman noted that the present legislation as proposed would be used for two purposes, whereby one-half would be used for the purchase of open space and one-half for affordable housing. This is only a draft and has not been endorsed by the Council at this time.

The Town Planner noted that one of the strategies in the Plan is to establish a local Affordable Housing Trust Fund as a source of funds for affordable housing development. A local Affordable Housing Trust Fund would receive and manage funds for affordable housing development. There are currently no local funding resources for affordable housing development in Jamestown; only state and federal sources exist. An affordable Housing Trust Fund would address this need and provide gap financing because of the high cost of real estate on Jamestown. One of the potential sources mentioned in the Plan

is a Real Estate Transfer Tax. Ms. Bryer further stated that the trust fund is a bank account that the Town can deposit money into from many different funding sources.

William Munger, Cole Street, inquired if the Town must build the affordable housing in order to qualify as affordable housing.

The Town Planner answered that affordable housing could also be built by a non-profit agency or a private individual.

Patrick Bolger asked if only State and Federal funding would count towards the 10 percent goal.

Barbara Sokoloff noted that going forward a municipal subsidiary is also considered; however, that does not mean that a private builder cannot create affordable housing or an existing homeowner that wants to create a duplex out of a single family. There is opportunity for all, such as non-profit Church Community Corporation, Housing Authority and private developers.

William Murphy stated that one of the reasons that they wanted to establish the trust fund was so that there could be some sort of a Town subsidy.

There being no further public comment, it was moved by Councilor Long, seconded by Councilor DiGiando to close the public comment portion of the hearing. So unanimously voted.

Councilor Settupane (page 16) asked if there was any information available on the number of non-conforming accessory units.

The Planner responded that information from the new tax assessment indicates that there are fifty-two (52) two-unit dwellings; however, it is not known what number of these are approved.

Councilor Settupane (page 24) stated that if these non-conforming units can be addressed it would bring Jamestown closer to the ten percent needed. Additionally, Councilor Settupane noted that he was concerned about the availability of water in the village area.

The Town Planner noted that the upgrade to the water system and the new water tower should be considered, as well as noting that all affordable housing will not be located in the village area but would be spread out over the island.

Councilor Settupane (page 34) asked if omitting the particular amount (\$300,000.00) from the action plan would preclude the Council from adding other options.

Barbara Sokoloff offered the following: The Plan has included twenty-five (25) of the fifty-two (52) accessory apartments because it is not known what portion of the fifty-two (52) that would qualify for affordable housing. Additionally, the \$300,000.00 Housing Trust Fund amount was added in error and should be stricken.

Councilor DiGiando expressed his concern regarding the subdivision of lots and increased density.

The Town Planner noted that any proposed changes in an ordinance such as increased density must come before the Council in the form of a zoning amendment, which would include a public hearing.

Councilor Settipane pointed out that the figures on page 13 used in the income data are old figures versus the new figures for the median home prices and suggested adding a footnote as an explanation.

It was the consensus of the Council to make the following amendments:

Section of Plan	Change
Page 20 – Affordable Housing Development Schedule	Replace Chart with correct figures
Page 29 – footnote #5	Strike footnote
Page 34 – Action Table, 4.1 Establish a local Affordable Housing Trust Fund....	Omit the specific dollar amount of \$300,000.00 and replace with appropriate language (to be determined)
Page 13 – Table 9: Affordability Gap in Jamestown	Address the difference in date of data, with a footnote clarifying inconsistent date

It was moved by Councilor Long, seconded by Councilor DiGiando to close the public hearing at 9:00 PM. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Long to adopt the Affordable Housing Plan as amended.

It was moved by Councilor Settipane, seconded by Council President Littman to amend the motion to omit the transfer tax as a source of funding for affordable housing as stated on page 29 and wherever else referenced in the Plan. The amended motion was voted Councilor DiGiando, nay; Councilor Ferguson, nay; Councilor Long, nay; Councilor Settipane, aye; Council President Littman, nay. The amendment to the main motion failed with one in favor and four opposed.

The main motion was unanimously voted.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Conanicut Island Land Trust re: Proposed Jamestown Land Bank & Affordable Housing Plan Act

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the communication from the Conanicut Island Land Trust. So unanimously voted.

- 2) Letter from Ellen Brownell re: Cole and High Street

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the communication from Ellen Brownell. So unanimously voted.

- 3) Letter from David B. Van Slyke re: Plat 2 lot 47

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the letter from David B. Van Slyke. So unanimously voted. The Town Solicitor informed the Council that the letter from Mr. Van Slyke has been answered.

- 4) Letter from John H. Howard re: Conanicut Battery

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the letter from John H. Howard. 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) Event Application from Mark Barker to hold the annual Christmas Tree Lighting ceremony at East Ferry on December 4, 2004 from 5:30 – 9:00 p.m. (request to waive insurance policy)

It was moved by Councilor Settipane, seconded by Councilor Long to approve the Event Application from Mark Barker to hold the annual Christmas Tree Lighting at East Ferry on December 4, 2004, subject to the approval of the Town Administrator in reference to the waiver of the liability insurance policy. So unanimously voted.

- 2) One Day Peddler License Application from Diane Wright dba: Jamestown School Yearbook Committee to sell glow necklaces at the Tree Lighting ceremony in East Ferry on December 4, 2004 from 5:00 – 9:00 p.m. Applicant also requests to waive \$5.00 application fee.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the One Day Peddler License application from Diane Wright, dba: Jamestown School Yearbook Committee and fee waiver to sell glow necklaces at the tree lighting. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) William Murphy re: EMS Compensation

Mr. Murphy requested that the Council put the issue regarding the compensation of Emergency Medical Technicians (EMTs) back on the agenda. Mr. Murphy stated that he

has been told that EMTs would not begin receiving compensation until after the new year. As most have jobs and are giving up pay from those jobs when they are on call, Mr. Murphy would like to see this resolved as soon as possible.

Councilor DiGiando stated that it is most important that both the Ambulance Association and the Fire Department are well staffed and there is agreement in what is being presented.

Mr. Murphy stated that he understood there would be immediate compensation to the EMTs and that there was a projected cost of \$149,000.00 if this plan was put in place. Additionally, Mr. Murphy stated that he had expected this to be on the Council agenda for a formal vote.

The Town Administrator informed the Council that the Chair of the Compensation Committee has submitted a compensation plan that was approved by the committee for the Ambulance Association. The Council reviewed the plan and asked the Town Administrator to follow-up on this plan. Chief Tighe noted that he is looking for a commitment from both groups that they will be able to fulfill their obligations. Chief Tighe stated that he has been working with the State consultants in order to set the necessary procedures as well as working with the Town Solicitor and Interlocal Trust. Chief Tighe noted that the EMTs would no longer be considered volunteers but would be considered part-time employees. It is hoped that this process will be completed by December.

Council President Littman requested that New Business be moved up on the agenda.

New Business

- 1) Ambulance Association & Fire/Rescue Services (*per Councilor Settipane*)
 - a) Schedule work session for the purpose of implementing changes to rescue/ambulance response

It was the consensus of the Council to put the compensation to the Emergency Medical Technicians on the December 13, 2004 agenda under unfinished business.

It was moved by Councilor Long, seconded by Councilor Ferguson to instruct the Interim Town Administrator, Thomas Tighe, to see through the conclusion of the plan to address the compensation for the rescue services for Jamestown, which includes the Ambulance Association and the Fire Department. So unanimously voted.

Open Forum continued

- 2) Non-scheduled request to address

Daniel Lilly, Seaside Drive, encouraged the Council to begin paying the EMS immediately.

The following individuals requested to be heard when the Council discusses the Fort Wetherill Highway Barn.

It was the consensus of the Council to move the remaining items up under New Business.

New Business

- 2) Fort Wetherill Highway Barn (*per Councilor Settipane*)
 - a) Rehabilitation and improvements

Councilor Settipane addressed the condition of the highway facility at Fort Wetherill and the need for a structural assessment of the building. Additionally, Councilor Settipane suggested that routine repairs be made immediately.

The Council discussed a previous assessment of the building, which covered repairs and replacement of the roof, windows, heating system and painting of the building. The approximate cost of those repairs was \$175,000.00 to \$200,000.00.

Councilor Settipane noted that there was \$5,000.00 put aside for the assessment of all public buildings and questioned if the assessment was completed and if not, how those funds were used.

The Council also discussed the architectural drawings that the State had produced when they were reconstructing the State facility at Fort Wetherill.

It was moved by Councilor Settipane, seconded by Councilor Ferguson to instruct the Town Administrator to conduct an assessment as soon as practicable with regards to the Fort Wetherill building and within the budget, make such necessary basic improvements to improve the function of the building and the workers conditions. Additionally, instruct the Town Administrator to report back to the Council as to what repairs can be made reasonably at the next Council meeting on December 13, 2004. So unanimously voted.

- 3) Letter from the Newport County Community Mental Health Center re: request of \$4999.00 for the 2005-2006 Fiscal Year

It was moved by Councilor Settipane, seconded by Councilor Long to refer the request from the Newport County Community Mental Health Center to the Town Administrator for inclusion as part of the budget process. So unanimously voted.

APPOINTMENTS AND RESIGNATIONS

- 1) One (1) vacancy exists on the Beavertail State Park Advisory Committee, duly advertised and interviews complete; if favorable appoint:
 - a) Letter of reappointment:
 - Frank Meyer

It was moved by Councilor Long, seconded by Councilor Ferguson to appoint Frank

Meyer to the Beavertail State Park Advisory Committee for a term ending 12/31/2007.
So unanimously voted.

UNFINISHED BUSINESS

- 1) East Ferry Kayak/Dingy Storage Rack (cont from 07/26/2004)
 - b) Copy of Memorandum from the Harbor Management Commission

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the copy of a memorandum from the Harbor Management Commission. So unanimously voted.

- 2) Adoption of Rules & Regulations for the Jamestown Police Department; if favorable approve per Town Charter (cont. from 11/08/2004)
 - a) Report from Town Solicitor

The Town Solicitor informed the Council that there are several areas of the document that should be brought into conformance with legal and constitutional language.

It was the consensus of the Council to instruct the Town Solicitor to make the necessary changes and return the document to the Council for their review and approval.

NEW BUSINESS

- 1) Ambulance Association & Fire/Rescue Services (*per Councilor Settipane*)
 - b) Schedule work session for the purpose of implementing changes to rescue/ambulance response

Previously addressed.

- 2) Fort Wetherill Highway Barn (*per Councilor Settipane*)
 - c) Rehabilitation and improvements

Previously addressed.

- 2) Letter from the Newport County Community Mental Health Center re: request of \$4999.00 for the 2005-2006 Fiscal Year

Previously addressed.

EXECUTIVE SESSION

It was moved by Councilor Long, seconded by Councilor Ferguson to adjourn into executive session at 10:10 PM pursuant to RIGL 42-46-5 (a) (1) personnel, RIGL 42-46-5 (a) (2) collective bargaining and RIGL 42-46-5 (a) (5) real estate. The vote was Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye.

Upon returning from the executive session at 11:10 PM, it was moved by Councilor Settiane, seconded by Councilor Littman to seal the minutes of the executive session. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye.

It was moved by Councilor Long, seconded by Councilor Ferguson to authorize the Town Solicitor to enter into a consent agreement to adjust the dates for employment of Samuel Patterson and other employees similarly situated to conform with the SEIU contract. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Long to instruct the Town Solicitor to revise the Town Administrator's contract in conformance with the consensus of the Council in executive session. So unanimously voted.

It was moved by Councilor Long, seconded by Council President Littman to forward a copy of Mr. Parks letter to Mr. Clarke. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor Ferguson to adjourn at 11:16 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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