

TOWN COUNCIL MEETING
Jamestown Philomenian Library
26 North Road
Monday, March 8, 2004

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:08 PM by Council President Kenneth Littman. The following members were present:

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

Also present were:

Maryanne Crawford, CPA, Town Administrator
Kimberly A. Turcone, Deputy Town Clerk
J. William W. Harsh, Town Solicitor
Lisa Bryer, Town Planner
Representative Bruce Long
Daniel Lilly, Harbor Management Commission
Victor Calabretta, PE, Consultant

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

1) Resolution #04-001R: Fair Housing Month

A motion was made by Councilor Settipane and seconded by Councilor Long to approve Resolution #04-001R, declaring April as Fair Housing Month as stated below and to send the resolution to other municipalities. So unanimously voted.

No. 04-001R

RESOLUTION

RESOLVED: That it be known to all persons of the Town of Jamestown that discrimination in the sale, rental, leasing, financing of housing or land to be used for construction of housing, or in the provision of brokerage services because of race, color, religion or national origin is prohibited by Title VIII of the 1965 Civil Rights Act (Federal Fair Housing Law). It is the policy of the Town of Jamestown to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, or national origin, and be it further

RESOLVED: That within available resources the Town of Jamestown will assist all persons who feel they have been discriminated against because of race, color, religion, sex, or national origin to seek equity under federal and state laws by filing a complaint with the Rhode Island Civil Commission Regional Office Compliance Division, and be it further

RESOLVED: That the Town of Jamestown shall make this Resolution part of its record and through this shall cause owners of real estate, developers and builders to become aware of their respective responsibilities and

rights under the Federal Fair Housing Law and any applicable state or local laws or ordinances, and be it further

RESOLVED: That said program will at a minimum include, but not be limited to: (1) the printing and publicizing of this policy and other applicable fair housing information through local media and community contacts, (2) distribution of posters, flyers and any other means which will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing, and (3) information for this program shall be provided by the Community Housing Resource Board/Housing Hot Line, and be it further

RESOLVED: That the Town of Jamestown shall contribute the sum of One Hundred (\$100.00) dollars to the Community Housing Resource Board/Housing Hot Line to carry out this program and the funds shall be paid from the Community Development Block Grant program, now therefore

LET IT HEREBY BE RESOLVED that the Town Council of the Town of Jamestown does hereby proclaim the month of April as FAIR HOUSING MONTH.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

- 1) Adoption of Council minutes:
 - a) 02/23/2004 Regular Meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (01/27/2004)
 - b) Fire/Rescue Abatement (02/13/2004)
 - c) Library Board of Trustees (01/20/2004)
 - d) Jamestown Housing Authority (01/14/2004)
 - e) Planning Commission (02/04/2004)
 - f) Affordable Housing Committee (12/08/2003)
 - g) Water Resources Protection Committee (02/09/2004)
- 4) CRMC Notices:
 - a) March 2004 Calendar
 - b)
 - c) Public Notice: Joseph Maraia, 19 Seaside Dr., Jamestown; re: modifications of existing residential dock located at Plat 14 Lot 17; said location
- 5) RIDEM Notice
 - a) Permit to Alter Freshwater Wetlands: Andrea Colognese & Doriana Carella, 2 Watson Avenue, Jamestown re: Plat 16 Lot 351; Gondola Avenue
 - b) James H. Adams, 68 Clinton St., Newport; re: Insignificant Alteration Permit for Plat 9 Lot 572; intersection of High St. and Green Ln.

- 6) Letter from Senator Paul W. Fogarty re: Senate Bill 2004S-2117 An Act Relating to Education
- 7)
- 8) Zoning Board of Review abutter notification re: appeal of Kenneth & Linda Vario, pursuant to Article 5 Section 503, and other law cited in the appeal pleadings contesting the issuance of a building permit and the failure to revoke the permit and issue notices to Owen C. Long/Longvue Enterprises, for a property located at 56 Ocean Avenue, and further identified as Tax Assessor's Plat 8, Lot 34

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 A motion was made by Councilor Settipane and seconded by Councilor Long to approve the consent agenda as submitted. So unanimously voted.

- 4) CRMC Notices:
 - b) Letter of Authorization re: Ft. Wetherill Research Vessel Facility
 Councilor DiGiando questioned why the Town has received notice on this issue and was under the understanding that the Town was still up in the air on the situation. The Town Administrator stated that the Town is close to resolving the matter and that she would look into the notice. Councilor Settipane stated that the notice was temporary and good for 90 days only.

A motion was made by Councilor DiGiando and seconded by Councilor Long to accept item #4 (b). So unanimously voted.

- 7) Notice from Coalition for Responsible Siting of LNG Facilities
- Council President Littman stated that there are several sites that are being considered for a LNG (Liquefied Natural Gas) facility in the east passage of Narragansett Bay. Fall River is the closest site to Jamestown that is being considered. Town Administrator stated that Deputy Fire Chief Froberg has attended meetings regarding this issue. She added that she would give the Council more information and place this item on the agenda for the next meeting.

A motion was made by Council President Littman and seconded by Councilor Ferguson to accept item #7. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (5) Real Estate (acquisition of property) (per Town Administrator)
- Council President Littman announced there would be an Executive Session at the end of the Council meeting in regards to real estate.

PUBLIC HEARING

- 1) Proposed Amendment to Section 22-116, Entitled "Tree Committee" (duly advertised on 02/26/2004)
- Council President Littman opened the hearing at 7:21 PM and with no addition comment from either the Council or the public audience, the hearing was closed at 7:23 PM.

A motion was made by Councilor Settupane and seconded by Councilor Long to adopt Section 22-166, entitled "Tree Committee". So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address - None
- 2) Non-scheduled request to address

Ellicott Wright, Highland Drive, discussed several issues with the Town Council. He requested that the Council work to devise a plan for any new Council members coming into the budget process directly after being elected. He added that it would help if the new Council had an outline to follow. He then discussed accessory housing and that the Council should look into opening the issue up again.

Council President Littman stated that Bill Murphy had brought the issue up to the Council several years ago. Bill Murphy, being present in the audience, stated that if the Council desires, he would bring the issue to the Council again via the Affordable Housing Committee.

Bill Murphy, Hamilton Avenue, also submitted a letter to the Council for their review in regards to the Ambulance Association.

Representative Bruce Long updated the Council on proposed legislation and issues outlined below:

- Deputy Fire Chief Froberg and he are in the process of supporting a Volunteer Fire Department Bill that will enable firefighters to be recruited and retained during daytime working hours;
- Quonset/Davisville Development Corporation will be contacting the Town to nominate a member to the Committee. This member will be a voting member;
- In regards to the old Jamestown Bridge, he supports the demolition of the bridge but supports a fishing pier;
- He and Senator Piva-Weed continue to work with the DOT on moving the water line;
- In regards to the LNG facility (discussed in the consent agenda item #7), he is working on setting up a meeting concerning the impact on the east passage of Narragansett Bay.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

- 1) Town Administrator's report (attached)
 - a) Jamestown Bridge
 - i) Reaffirmation of Council's recommendation to demolish bridge

A motion was made by Councilor DiGiando and seconded by Councilor Settupane for the Town Administrator to send a letter to DOT reconfirming the Town's opinion on demolishing the old Jamestown bridge. So unanimously voted.

Council President Littman asked the Town Administrator to stress the importance of the water line.

Council President Littman asked the Town Administrator as to when the Recreation

Department would be moving into the golf course building. The Town Administrator stated it would be in approximately two weeks.

- 2) Town Clerk's Office
 - a) Memorandum re: Proposed Amendment to Chapter 66 Taxation and Finance

A motion was made by Council President Littman and seconded by Councilor Settignano to order advertising for a hearing on March 22, 2004 to adopt the amended changes to Chapter 66; Taxation and Finance. So unanimously voted.

- 3) Coastal Resource Management Council
 - a) One (1) vacancy exists for an alternate representative on the subcommittee for CRMC, term ending 05/31/2005; duly advertised and interviews complete. If favorable reappoint:
 - Emmet Turley

A motion was made by Councilor DiGiando and seconded by Councilor Settignano to reappoint Emmet Turley to represent the subcommittee for CRMC, term ending on May 31, 2005. So unanimously voted.

- 4) Fire Department Compensation Committee
 - a) One (1) vacancy exists for a member not part of the Jamestown Volunteer Fire Department, term ending 5/31/2006; duly advertised and interviews complete, if favorable appoint:
 - Daniel Shapiro

A motion was made by Councilor Long and seconded by Councilor Ferguson to appoint Daniel Shapiro to the Fire Department Compensation Committee, term ending on May 31, 2006. So unanimously voted.

- 5) Tree Preservation and Protection Committee
 - a) Letter from Chair re: compliance with Town Ordinance
 - b) Letter from Chair re: reappointments
 - c) Three (3) vacancies exists, terms ending 12/31/2006; duly advertised and interviews complete. If favorable:
 - i) Seeking Reappointment:
 - J. Robert Dolan
 - Carolyn Armington
 - Matthew Largess
 - ii) Letters of Interest:
 - Judith DiBello
 - Jennifer Stearns Talancy

A motion was made by Council President Littman and seconded by Councilor Long to reappoint J. Robert Dolan, Carolyn Armington & Matthew Largess to the Tree Preservation and Protection Committee, terms ending on December 31, 2006. So unanimously voted.

- 6) Town Buildings and Facilities Committee
 - a) One (1) vacancy exists, term ending 05/31/2006; duly advertised and

interviews complete. If favorable:

- i) Seeking Reappointment:
 - Daniel J. Capuano, Jr.
- ii) Letters of Interest:
 - Valerie Molloy

A motion was made by Councilor Settipane and seconded by Councilors DiGiando and Long to reappoint Daniel J. Capuano, Jr. to the Town Buildings and Facilities Committee, term ending on May 31, 2006. So unanimously voted.

UNFINISHED BUSINESS

- 1) Public Access and Maintenance to Rights-of-Way (cont. from 02/09/2004)

- a) Report and recommendation from Town Administrator

The Town Administrator stated that she had submitted a draft guideline for maintenance of the island's parks and recreation areas. Councilor Settipane stated that a short work-session should be considered to hear public input regarding the issue.

Don Forest, Summit Avenue, stated that he agreed with Councilor Settipane and stated his issues in regards to Park Dock, as he had discussed at previous Council meetings.

Councilor DiGiando requested copies of past and present Town Solicitor's determinations regarding this matter and to have this information readily available for the work-session. Town Solicitor Harsh stated that he would give an opinion on CRMC's jurisdiction over town owned rights-of-way. It was the consensus of the Council that the Town Clerk check to see when the conference room at library is available in late April to hold a work-session regarding this matter.

- 2) Proposed Amendments to Section 1204 & 1205 of the Zoning Ordinance relating to parking (cont. from 02/23/2004)

The Town Planner reviewed the information she supplied the Council. The Council charged the Planning Commission to address the Chambers concerns in regard to parking in the downtown area. The Planning Commission recommended two changes to the Zoning Ordinance:

Article 12, Section 1204 new section J:

Lots in the Commercial Downtown District: On-street parking located directly in front of a lot on which a business use operates may be counted towards fulfilling the off-street parking space requirements of that use.

Article 12, Section 1205 B – Shared Parking (amend as follows):

Shared parking permits an applicant who cannot meet parking requirements on-site to share existing parking spaces nearby which are in use at distinctly different times from those required by the applicant. Shared parking shall be allowed only by a Special Use Permit granted by the Zoning Board, and shall be subject to the following requirements.

B. The location of the proposed use and parking is in either CD or CL districts and within 200 1000 feet of the existing parking area proposed use for which shared parking is proposed;

The Town Administrator suggested that she and the Town Planner take care of any administrative duties and create an outline of what the Council will need to do to take the next step towards the downtown parking issue.

A motion was made by Councilor Settupane and seconded by Councilor Long to advertise the proposed amendments to Article 12, Section 1204 and 1205 of the Zoning Ordinance and for the Town Clerk to pick the hearing date. So unanimously voted.

- 3) Touch & Go Dock at East Ferry (cont. from 02/23/2004)
 - a) Continued discussion on usage

The Town Administrator stated that she has received an opinion from Town Solicitor Parks suggesting that the Town prohibit fishing off the wood-pile pier at East Ferry.

Dan Lilly requested that the Council hold off on any decision until the Harbor Management Commission meets to discuss the Town Solicitor's opinion and the CRMC assent.

Councilor Settupane requested that the Council also take into consideration the opinion of former Town Solicitor Douglas DeSimone and any other solicitor's opinions. It was the consensus of the Council to continue this matter until March 22, 2004.

- 4) DEM Fishing & Wildlife (cont. from 02/23/2004)
 - a) Research Vessel Facilities Plan

The Town Administrator updated the Council concerning the status of the proposed plan. Victor Calabretta, PE, consultant for the town, stated that the facility can currently accommodate the 50 foot boat. He also stated that DEM has applied and received the bulkhead permits. The abutters will be notified when the permits are filed for the other proposed boats that DEM would like docked in the area. He added that DEM does not have a marina perimeter or floating dock permit yet. Councilor Settupane inquired about public access. Mr. Calabretta stated that he would look into it.

It was the consensus of the Council to continue this issue at the April 12, 2004 meeting and wait to hear from the Town Administrator and consultant Victor Calabretta, PE for more information.

- 5) Petition from Verizon Communications & Narragansett Electric Co. (cont. from 02/23/2004)
 - a) Relocation of one joint pole (P15) and anchor guy on Southwest Avenue and Spring Street

A motion was made by Councilor Settupane and seconded by Councilor Long to grant request of Verizon Communications and the Narragansett Electric Company to relocate one joint pole (P15) and anchor guy on Southwest Avenue and Spring Street with review by Town Administrator and Town Solicitor. So unanimously voted.

- 6) Town Council Rules & Procedures (cont. from 02/23/2004)

The Town Solicitor stated that the Town Council Rules and Procedures were last updated in 1991.

Councilor Settupane expressed his concern regarding the restriction of the proposed rules that overall limit the Council and inquired who asked that the Council take this issue under advisement for any changes. Town Solicitor Harsh stated that when he took the appointment as Town Solicitor, he received a list of items that the Council wanted reviewed and this item was part of it. He explained that the drafting of Rules and Procedures for the Council is only a process, no more or less. It is the public's right to address the Council and the rules just provide a model to follow.

Councilor Long stated that he would like to continue discussion on this matter and added that the Council meetings should start on time and that Open Forum, when lengthy, be continued to the end of the meeting, as the agenda allows.

The Town Solicitor stated that this issue has been brought up often in the past and has been on his list for months. He added that he finally had time to put the rules and procedures together and produce a model for the Council to review.

Councilor Settupane stressed his concern of being bogged down by red tape by adopting the Town Solicitor's draft. He added that the Council should not be as restrictive as the proposed Rules and Procedures are. He stated that this Council nor the Councils of the past have ever had a problem in regards to how the meetings are run.

It was the consensus of the Council to continue this discussion to the April 12, 2004 meeting.

- (7) Noise Ordinance
 - a) Set date for work-session with consultant Bennett Brooks (*per Town Administrator*)

It was the consensus of the Council to have the Town Clerk set up a work-session at library anytime in April.

COMMUNICATIONS

None

NEW BUSINESS

- 1) Sunday Sales Licenses - renewals
 - a) Cumberland Farms
 - b) Atlantic Landscaping
 - c) Paws & Claws
 - d) Conanicut Island Art Association
 - e) R&R Gallery
 - f) Jamestown Oyster Bar
 - g) Debs Beads
 - h) Narragansett Café
 - i) Peking Garden

A motion was made by Councilor Settupane and seconded by Councilor Long to approve the Sunday Sales renewal application for Cumberland Farms, Paws & Claws, Conanicut Island Art Association, R&R Gallery, Jamestown Oyster Bar, Debs Beads, Narragansett Café and Peking Garden, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

A motion was made by Council President Littman and seconded by Councilor Long to approve the Sunday Sales renewal application of Atlantic Landscaping, subject to the resolution of debts, taxes and appropriate signatures. So voted: 4-0; Councilor DiGiando abstaining.

The Town Solicitor stated that Cumberland Farms will need to have a Rhode Island Agent listed on the application before granting the license.

2) Long-Range Budget Planning (*per Councilor DiGiando*)

Councilor DiGiando stated that he would like to work towards long-range planning to help with future budgeting. He also expressed that he would like the School Committee to work on this issue as well. It was the consensus of the Council for Councilor DiGiando and the Town Administrator to work towards the next step. Councilor Settupane requested that the Town Administrator check into the RI League of Cities & Towns in regards to health insurance coverage costs.

3) Liquefied Natural Gas Facility

a) Narragansett Bay Transportation (*per Council President Littman*)

Council President Littman stated that this item had already been discussed during the Consent agenda portion of the meeting.

4) SEIU Contract

The Town Administrator requested that the SEIU contract be ratified and approved as presented by the Council.

A motion was made by Councilor DiGiando and seconded by Councilor Ferguson to approve and ratify the SEIU contract as presented. So unanimously voted.

OTHER COMMUNICATIONS

None

OPEN FORUM CONTINUED (if necessary)

None

A motion was made by Councilor Long and seconded by Councilor Ferguson to close the meeting at 9:55 PM and enter into Executive Session, so voted; Council President Littman – aye, Councilor Long - aye, Councilor DiGiando – aye, Councilor Ferguson – aye, Councilor Settupane – aye.

EXECUTIVE SESSION

- 1) Pursuant to RIGL 42-46-5 (a) (5) Real Estate (acquisition of property) (*per Town Administrator*)

A motion was made by Councilor Settipane and seconded by Councilor Long to seal the minutes of Executive Session. Council President Littman – aye, Councilor Long – aye, Councilor DiGiando – aye, Councilor Ferguson – aye, Councilor Settipane – aye.

A motion was made by Councilor Long and seconded by Councilor Ferguson to end Executive Session and return to Council business at 10:25 PM. So unanimously voted.

A motion was made by Councilor Settipane and seconded by Council President Littman to take action on the properties discussed in Executive Session for acquisition. Council President Littman – aye, Councilor Long – aye, Councilor DiGiando – aye, Councilor Ferguson – aye, Councilor Settipane – aye.

A motion was made by Council President Littman and seconded by Councilor DiGiando to adjourn the meeting at 10:28 PM. So unanimously voted.

Attest:

Kimberly A. Turcone

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