

**TOWN COUNCIL MEETING  
JANUARY 31, 2005**

A regular meeting of the Jamestown Town Council (rescheduled from January 24) 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  
Claire W. Ferguson  
Julio J. DiGiando  
Guy J. Settiane

also present were:

Mark W. Haddad, Town Administrator  
Arlene D. Petit, Town Clerk  
J. William W. Harsch, Town Solicitor  
Lisa Bryer, Town Planner  
Christopher Powell, Conservation Commission Chair  
Jennifer Talancy, Conservation Commission

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

- 1) Fiscal Year 2005 Transportation Enhancement Project proposal – Narragansett Avenue Downtown Improvement Project Phase II – Grinnell Street to Lawn Avenue (*if favorable, Council endorsement for submission to Statewide Planning and presentation at a hearing before the Transportation Advisory Committee on January 31, 2005*)
  - a) Resolution of the Jamestown Town Council endorsing the Fiscal Year 2005 Transportation Enhancement Project proposal

The Town Planner presented an overview of Phase II of the Downtown Improvement Project to be submitted to the State for their consideration. The Town Planner noted that the application deadline is February 4, 2005. Phase II of the Downtown Improvement Project includes streetscape improvements to Narragansett Avenue from Grinnell Street to Lawn Avenue. Enhancements are consistent with Phase I and include sidewalks, curbing, lighting, benches, bicycle racks and trash receptacles.

There was some discussion regarding the possibility of including underground utilities in the proposal; however, the Town Planner informed the Council that the State would not accept this as part of the grant application.

Councilor Settiane inquired if there were projections for the \$760,000.00 estimated by the McGuire Group and expressed his concern with the rising costs of projects because of the length of time between awarding funds and beginning a specific project. Additionally, because the school district and elderly housing are located in the area being considered for the enhancement project, Councilor Settiane suggested including this information in the application.

It was moved by Councilor Long, seconded by Councilor DiGiando to approve the proposal for applying for Phase II of the Downtown Improvement Project, to include streetscapes to Narragansett Avenue from Grinnell Street to Lawn Avenue.

It was moved by Councilor Settipane, seconded by Councilor Littman to amend the motion to include that the amount as applied for, \$760,000.00, be reviewed with the McGuire Group by the Town Administrator and Town Planner for any adjustments deemed necessary. The motion to amend was voted, Councilor DiGiando, nay; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The amendment to the motion passed with four in favor and one opposed.

The main motion as amended was so unanimously voted.

The Town Administrator requested clarification on the motion and inquired if he would be allowed to review the figures and make any adjustments necessary prior to submitting the application to the State. It was the consensus of the Council that it this was their intent when making the motion.

- 2) John McCauley & Mike Swistak of the Jamestown Chamber of Commerce  
re: allocation of Meal Tax revenues

On behalf of the Jamestown Chamber of Commerce, John McCauley presented a proposal for unallocated "Meals Tax" revenues, whereby those funds would be used to upgrade and maintain the downtown village area for such projects as upgrading public facilities, litter control and other downtown village beautification purposes, as well as a shuttle bus service.

Councilor Long suggested that these funds must also be used by the municipality to assist in dealing with the added burden that tourism puts on the Town.

Chuck Masso, proprietor of Chopmist Charlies and Tricia's Tropicrille, suggested that a portion of the meals tax be returned to the Water Department to help offset high water rates for the businesses that are responsible for generating these funds.

The Town Administrator reported that it is expected the Town would be receiving \$100,691.00 through the one percent meals tax for the year 2006. However, other funding has been reduced by the State. It is hoped that the meals tax will help offset this reduction in funding as well as improve the business community.

It was the consensus of the Council that this would be looked at again when the budgeting process begins.

- 3) Marsh Meadows Overlook – presentation by Jennifer Talancy and  
Christopher Powell, Jamestown Conservation Commission

Christopher Powell presented a proposal for an overlook to be located on Town-owned property across from the marsh at the water treatment plant on North Road for viewing the osprey nest. The proposal consisted of the installation of a walkway and viewing

ramp with mounted binoculars. Additionally, there would be a camera set up so that the viewing of the marsh and osprey nest could be incorporated into the school curriculum through internet access. Mr. Powell informed the Council that the project is expected to be funded through grants and donations. Another portion of this project would be to put radio transmitters on the osprey and falcons so that they could be tracked on the internet. Mr. Powell stated that there are five components to the project:

- Osprey Cam
- Internet
- Osprey Migration Tracking
- School Curriculum
- Peregrine Falcon Tracking

Although the Council's response was favorable, there was some concern raised regarding the ongoing plans for the maintenance and construction at the water treatment plant. Mr. Powell assured the Council that the platform and walkway would be portable and if necessary could be moved at the time of construction.

It was the consensus of the Council to request additional information from Mr. Powell and to discuss it again at the February 14, 2005 Council meeting.

#### **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 items #3 (c) and #5 be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor Settipane that the Consent Agenda be approved as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) 01/10/2005 Regular meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Jamestown Housing Authority (12/07/2004)
  - b) Tax Assessment Board of Review (01/04/2005)
  - c)
  - d) Conservation Commission - resubmitted (11/09/2004)
- 4) CRMC Notices:
  - a) Cease & Desist order to Mark Maguire, PO Box 271, Jamestown re: clearing of buffer zone vegetation within 200 feet of a coastal feature from property located at Plat 15 lot 203; 239 Seaside Drive
  - b) Meeting notice re: Demolition of the Jamestown bridge

- 5)
- 6) Abatements/Addenda of Taxes

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- 3) Minutes from Boards, Commissions and Committees:
  - c) Tree Preservation and Protection Committee (12/21/2004)

Councilor DiGiando noted that the Tree Committee did not have a quorum and therefore, should not have held a meeting.

It was the consensus of the Council that the Town Clerk should contact the Tree Committee to inform them.

- 5) Statewide Planning Council re: proposals to the Transportation Improvement Program (TIP)

Councilor Settupane encouraged the Town Planner and Town Administrator to submit a project proposal to the State Planning Council for the FY 2006-2007 Transportation Improvement Program.

It was moved by Councilor Settupane, seconded by Councilor Long to accept the notice regarding the Transportation Improvement Program. So unanimously voted.

### **EXECUTIVE SESSION ANNOUNCEMENT**

None

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

- 1) Town Administrator report (attached)  
(The following action items are referenced in the Town Administrator's report)
  - a) Fort Wetherill update with authorization to expend funds and bid work

The Town Administrator reported that the Town has received a permit from CRMC to perform needed repairs at the Fort Wetherill highway facility. It is expected that the repairs to the seven windows on the waterside of the building, replacement of two doors and roofing will cost approximately \$60,000.00 to \$100,000.00. The Town Administrator requested that the Council consider funding this through the appropriation made in 1998 for the highway facility.

The Town Administrator also reported that an RFP has been advertised for the hiring of a consultant to conduct a re-use study of the Fort Wetherill facility and an assessment of other Town buildings.

The Council agreed that any repairs being done to the Fort Wetherill facility must be done on a permanent basis and in consideration of the re-use of the building; however Councilor DiGiando suggested having the re-use study completed prior to making any major repairs.

It was moved by Councilor Settupane, seconded by Councilor Long to authorize the Town Administrator to solicit bids for the repairs to the highway facility; those repairs being to the windows, roof and such other repairs as discussed concerning the Fort Wetherill building and return those bids to the Council for their consideration. It was voted, Councilor DiGiando, nay; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settupane, aye; Council President Littman, aye. The motion passed with four in favor and one opposed.

- c) Sunday Sales License re: David Clancy dba: Clancy Designs update

The Town Administrator reported that this matter is still under investigation and suggested that no action be taken at this time.

The Town Solicitor informed the Council that the Zoning Official is still reviewing the present operation at the Clancy's establishment to determine if it conforms or fails to conform to Zoning. Presently, Mr. Brown and Town Solicitor Parks are waiting for answers to questions submitted to Mr. & Mrs. Clancy. Upon receipt of this information, the review will be concluded and a report will be forwarded to the Council.

David Clancy stated that he is requesting that the Council consider granting the Sunday Sales License only. Additionally, Mr. Clancy stated that he believes he is in compliance with the Zoning decision that was issued by the Zoning Board of Review.

It was the consensus of the Council to put the Sunday Sales License for Clancy Designs on the February 14, 2005 Council agenda.

#### Emergency Medical Services (EMS) Plan update

The Town Administrator noted that he will be attending a meeting regarding the Emergency Medical Services Plan on February 1, 2005. Mr. Haddad stated that he expects to give the Council an update at the February 14 Council meeting.

- e) Tax Exemption Adjustments Survey re: consideration of adjustments

It was the consensus of the Council to consider this information when reviewing the budget process. No action taken.

- 2) Jamestown Housing Authority
  - a) 2004 attendance record

It was moved by Councilor Settupane, seconded by Councilor Long to accept the attendance record from the Jamestown Housing Authority. So unanimously voted.

- 3) Tree Preservation and Protection Committee
  - a) Letter from Chair re: tree planting specifications (for your information (FYI))

The Town Solicitor noted that the tree planting specifications will be a handout and not part of the Tree Preservation and Protection Ordinance.

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the communication from the Tree Preservation and Protection Committee. So unanimously voted.

- 4) Tax Assessment Board of Review
  - a) Letter from Chair re: appeals

(Note: The Town Administrator stated that there was an error in the calculation for the “Reduction in assessment value granted by the Assessment Board”. The number was incorrectly reported as \$15,159,050 and **should have been \$5,159,050**).

It was moved by Councilor Long, seconded by Councilor Settipane to accept the communication from the Tax Assessment Board of Review. So unanimously voted.

- 5) Town Clerk
  - a) Memorandum re: Committee update

It was moved by councilor Settipane, seconded by Councilor Long to accept the memorandum from the Town Clerk. So unanimously voted.

- 6) Quonset Davisville Management Corporation re: Final Report by Dennis Webster

It was moved by Councilor Settipane, seconded by Councilor to accept the final report from Dennis Webster regarding the Quonset Davisville Management Corporation. So unanimously voted.

Members of the Council expressed their appreciation for Mr. Webster’s service and dedication to serving, not only on the Quonset Davisville Management Corporation but also as a member of the Quonset Davisville Liaison Committee.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

None

## **COMMUNICATIONS AND PETITIONS**

- 1) Letter from the US Department of Housing & Urban Development re: Affordable Communities Award

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letter from the US Department of Housing & Urban Development and to forward the letter to the Affordable Housing Committee and the Planning Commission. So unanimously voted.

- 2) Letter from Frank T. Watson, International Brotherhood of Police Officers Jamestown Local 305 re: grievance from Sgt. Angela Deneault

It was moved by Councilor Long, seconded by Councilor Settipane to accept the letter from the International Brotherhood of Police Officers. 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
  - a) Representative Bruce Long re: Legislative UpdateRepresentative Long updated the Council on legislative issues.
  
- 2) Non-scheduled request to address

Council President Littman requested that item #1 of New Business be moved up on the agenda.

#### New Business

- 1) Memorandum to the Town Clerk from Richard M. Bianculli, Jr. (assistant to the Town Solicitor) re: Columbia Avenue

John Murphy, attorney representing William Straser, requested that the Council allow Mr. Straser to purchase a 25' strip of Town-owned property (formerly a portion of Columbia Avenue) adjacent to his property on Tax Assessor's Plat 9, Lot 609. Mr. Murphy reviewed events leading to the abandonment of that portion of Columbia Avenue and the subsequent retention by the Town. Mr. Murphy stated that because the Council has retained that portion of property abutting Mr. Straser's lot, he no longer has frontage to a Town road.

The Town Solicitor noted that the purpose of abandoning that portion of Columbia Avenue was to preserve access, in particular for Mr. Straser, and this was the approach that was suggested on behalf of all of the various abutters, leaving this 25' piece of street for access. Mr. Straser may have a standing right, because it was a street, to continue to use it as a street or access. This is more than an easement by necessity, it is a right that is inherent in the fact that he abutted on what was at one point a street.

Councilor DiGiando indicated that it was his understanding that the piece of property abutting Bill Straser's property was to remain a part of the road (as indicated by the yellow highlight on the exhibit presented by Mr. Murphy), thereby allowing Mr. Straser access to his property (lot 609).

Councilor Settipane expressed his concern that an act of the Council would create a non-conforming lot.

It was moved by Councilor Settipane, seconded by Councilor Long to refer this matter  
Town Council Meeting 01/31/2005

concerning the request of Mr. Straser regarding Columbia Avenue over to the Town Administrator and the Town Solicitor to enter into some negotiations with the requesting party and to bring the matter back before the Council with some recommendations for resolution. So unanimously voted.

Council President Littman called for a short break at 9:15 PM.  
The Council returned at 9:20 PM.

### **APPOINTMENTS AND RESIGNATIONS**

1) Tree Warden

- a) Letter from the Vice Chair re: recommendation of Dave Nickerson

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the letter from the Vice Chair recommending David Nickerson for the position of Tree Warden. So unanimously voted.

- b) Request from the Department of Environmental Management (DEM) to appoint a Tree Warden for 2005

- i) Reappoint Dave Nickerson

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the communication from the Department of Environmental Management. So unanimously voted.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to reappoint David Nickerson to the position of Tree Warden. So unanimously voted.

2) Quonset Development Corporation Board of Directors

- a) One (1) vacancy exists, term ending 12/31/2007; duly advertised and interviews complete, if favorable appoint:

- i) Letters of interest:

- Donald C. Bresnan
- Emmet E. Turley
- Sav Rebecchi

It was moved by Councilor DiGiando, seconded by Councilor Settupane to appoint Sav Rebecchi to present the concerns of the Town Council and the Town of Jamestown as a voting member on the Quonset Development Corporation, term ending 12/31/2007.

3) Conservation Commission

- a) Letter from Grace Mariorenzi re: resignation

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the resignation of Grace Mariorenzi from the Conservation Commission. So unanimously voted.

- b) Three (3) vacancies exist, terms ending 12/31/2007; duly advertised and interviews complete, if favorable appoint:

- i) Seeking reappointment:

- Carol Lynn Trocki

- J. Christopher Powell
- ii) Letters of interest:
  - Danielle Minto
  - Gail Noble Glanville

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to reappoint Carol Lynn Trocki and J. Christopher Powell, and to appoint Danielle Minto to the Conservation Commission terms ending 12/31/2007. So unanimously voted.

- 4) Library Board of Trustees
  - a) Request from Gail Noble Glanville re: appointment
  - b) One (1) vacancy exists, term ending 12/31/2006; if favorable order advertising

It was moved by Councilor Long, seconded by Councilor Settipane to accept the letter from Gail Noble Glanville and to advertise for the vacancy on the Library Board of Trustees. So unanimously voted.

- 5) Water Resources Protection Committee
  - a) Letters of resignation:
    - i) Ellicott Wright
    - ii) Daniel Lilly, Jr.

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letters of resignation from Ellicott Wright and Daniel Lilly, Jr. So unanimously voted.

### **UNFINISHED BUSINESS**

- 1) Tax Exemptions (cont. from 01/10/2005)
  - a) Report from Town Administrator

Previously discussed.

- 2) Sunday Sales license application of David Clancy dba: Clancy Designs, 382 North Road (cont. 01/10/2005)

Previously discussed.

- 3) Ambulance Incentive EMS Program

Previously discussed.

### **NEW BUSINESS**

- 1) Memorandum to the Town Clerk from Richard M. Bianculli, Jr. (assistant to the Town Solicitor) re: Columbia Avenue

Previously discussed.

- 2) Fay, Spofford and Thorndike re: contract for engineering services for the planning, design and services during construction of water treatment and storage improvements to the water system (per Councilor Settipane)

Councilor Settignano requested that the Council reconsider the vote taken at the Water and Sewer Commission meeting to award the contract to Fay, Spofford and Thorndike, for engineering services for the planning, design and services during construction of the water treatment and storage improvements to the water system in an amount not to exceed \$726,000. Councilor Settignano encouraged the Council to proceed with the proper bidding process which would allow for competitive bids to be received and the possibility of a lower project cost.

The Town Solicitor noted that with the Council having voted to award the contract, there is the possibility, if the Council were to reverse its position there may be some risk that Fay, Spofford and Thorndike might have a claim.

Following Council discussion, a motion by Council President Littman to reconsider the award of the bid for engineering services to Fay, Spofford and Thorndike did not receive a second and therefore was not considered.

Councilor Settignano requested that the amount on page 9 of the contract be broken down to include progress and payment schedules. The Town Administrator stated that those figures will be included in the contract. Additionally, Mr. Haddad stated that there is a standardized contract being put together that will protect the Town and include, among other issues, payment schedules.

Councilor Settignano requested that items #3 – #7 on the final page of the contract be reviewed as they appear to be open-ended. The Town Administrator stated that those items have been resolved.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor DiGiando to adjourn the meeting at 10:10 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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