

TOWN COUNCIL MEETING

April 25, 2005

(amended May 23, 2005)

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
Claire W. Ferguson
Julio J. DiGiando
Guy J. Settipane

also present were:

Mark W. Haddad, Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Steven Goslee, Public Works Director
Lisa W. Bryer, Town Planner
Michael Gray, Town Engineer/Deputy Public Works Director
Katherine Sipala, School Superintendent
Catherine L. Kaiser, School Committee Chair

Town Buildings and Facilities Committee members present:

Arek Galle, Chair
Alerino M. Iacobbo
Daniel Capuano
William Marsh
Duncan Pendelbury
Valerie Molloy

Representing GZA GeoEnvironmental:

Ed Summerly, P.G., Associate Principal
Todd R. Greene, Project Manager

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

Town Council Meeting 04/25/2005

- 1) Adoption of Council minutes:
 - a) April 6, 2005 Special meeting
 - b)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Housing Authority (02/09/2005, 03/16/2005, 03/09/2005)
 - b)
 - c) Planning Commission (03/02/2005)
 - d) Conservation Commission (02/08/2005)
 - e) Tree Preservation and Protection Committee (02/15/2005, 03/15/2005)
 - f) Harbor Management Committee (03/09/2005)
- 4) CRMC Notices:
 - a) Cease and Desist Order to Thomas Ruggieri & Julianna Wilson, 132 Southwest Avenue re: property located at plat 9 lot 689 at said location clearing of vegetation on and within a 200' coastal feature
- 5) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) City of East Providence re: Resolution in support of pension reforms
 - b) Town of Foster re: Resolution in support of affordability and access to healthcare
 - c) Town of South Kingstown re: support of House Bill 2005 H-5030

- 1) Adoption of Council minutes:
 - b) April 11, 2005 Regular meeting

Councilor Settupane requested that additional information be included in the minutes regarding the discussion held prior to the vote to adopt the budget.

- 3) Minutes from Boards, Commissions and Committees:
 - b) Town Buildings and Facilities Committee (06/23/2004, 12/06/2004)

Councilor Settupane requested that the Clerk forward a reminder to the Town Buildings and Facilities Committee regarding the timely filing of minutes. It was moved by Councilor Settupane, seconded by Councilor Long to accept the minutes from the Town Buildings and Facilities Committee. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator report - *the following action items are referenced in the Town Administrator's report:*

- 1(a). Request from Attorney General Patrick Lynch to assist financially in objecting to the proposed LNG facilities and vote to redirect funds

The Town Administrator noted that there are remaining funds in the amount set aside for opposition to the Quonset Davisville Container Port that may be redirected and used to help fund the opposition to the proposed LNG facilities, as requested by Attorney General Patrick Lynch.

It was the consensus of the Council, prior to making any decisions regarding the dedicating of funds to assist in the opposition to the proposed LNG facilities at Fields Point and Weaver's Cove, Attorney General Patrick Lynch should be invited to discuss this initiative with the Council at their May meeting.

- (b) Jamestown Park and Recreation Commission as proposed by Clayton Carlisle

It was the consensus of the Council that the Town Administrator meet with Mr. Carlisle to discuss his proposal to establish a Jamestown Park and Recreation Commission and report back to the Council.

2. Request for the Council to consider the adoption of special legislation for a tax exemption for the deaf

It was the consensus of the Council to instruct the Town Administrator to work with the Town Solicitor to draft an ordinance in line with RIGL 44-3-15, for the Council's consideration.

3. Siting of the new Town Hall, request the Council approve 93 Narragansett Avenue and authorize a resolution in support to be approved at the Financial Town Meeting

Town Buildings and Facilities Chair, Arek Galle, presented the report compiled by the committee outlining the need for combining the three administration buildings into one facility in the village center at 93 Narragansett Avenue. The report details the site considerations and a space needs analysis. Mr. Galle noted that the committee also took into consideration the Comprehensive Community Plan and 1998 Community Survey when determining their site recommendation.

Mr. Galle stated that the Building and Facilities Committee recommends that the current Town Hall site at 93 Narragansett Avenue be redeveloped as the site for a new Town Hall facility. In addition, it is the committee's opinion that a two (2) story structure with the primary public entrance on Narragansett Avenue is the appropriate solution on the right site. With the consolidation of three separate buildings and over 24 town employees to one location, the Town should develop a site that provides civic identity within the village district; 10,000 square feet of new building space; adequate staff (24-28) parking spaces; visitor (8-12) parking spaces and a public outdoor gathering space.

Mr. Galle stated that the Committee also recommends a steering committee made up of stakeholders and users to assist in development, as well as providing an opportunity for public input.

The Town Administrator noted that part of the proposal is to appropriate funds at the Financial Town Meeting in the amount of \$300,000.00 so that the Town can hire and assemble a team to finalize the plans, working with the Council, and come back with a bid in hand to a Financial Town Meeting. The process would also allow for public input.

Council President Littman invited public comment.

Ellen Winsor, East Shore Road inquired if some of the new space could be used to produce income. Additionally, Ms. Winsor suggested that the increased traffic to the area be considered.

Harrison Wright, Clarke Street asked how much money is being requested at the Financial Town Meeting.

Clayton Carlisle, West Passage Drive asked how 44 Southwest Avenue will be used.

In answer to Council concerns, the Town Administrator reported that relocation of the workforce and archeological determinations and parking would be in the purview of the consultants hired to design the project. The per square foot cost of the project was discussed by Duncan Pendelbury, who stated that it is expected to cost approximately \$200.00 per square foot. Mr. Galle stated that included in that cost estimate would be elevators, streetscape and the projected costs of a two-story facility.

Councilor Settupane expressed his concern regarding the \$300,000.00 being requested to fund the design portion of the project and suggested that the Council consider \$150,000.00 to \$200,000.00. Additionally, Councilor Settupane stated that the \$200.00 per square foot of building cost was too high.

The Town Administrator assured the Council that any funds not used would be put back into the overall cost of the project.

Following continued discussion, it was moved by Councilor Long, seconded by Councilor DiGiando to include the Town Administrator's recommendation of putting the appropriation of up to \$300,000.00 to a vote at the 2005 Financial Town Meeting in order to move forward with a the plan and design of the new town office facility at 93 Narragansett Avenue. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settupane, nay; Council President Littman, aye. The motion passed with four in favor and one opposed.

4. Siting of the new Highway Barn Facility, request Council approve 1518 North Main Road and authorize a resolution in support to be approved at the Financial Town Meeting

Sterling Graham, Racquet Road, supported the Town Administrator's recommendation.

Craig Amerigan, Narragansett Avenue, supported the Town Administrator's recommendation.

Ellen Winsor, East Shore Road asked to have the letter from David Van Slyke regarding the concerns of the North End Citizens read.

The Town Administrator noted that the letter from Mr. Van Slyke and the Town Administrator's answers to those concerns are part of the Council packet and available at the Town Hall for interested individuals.

Ed Summerly, Associate Principal, GZA GeoEnvironmental, responded to concerns raised by MACTEC regarding the process for closure of the landfill. Mr. Summerly assured the Council that the procedure being followed by the Town of Jamestown is in full compliance with the RIDEM regulations.

Michael Gray informed the Council that appropriating the money would allow the Town to design the site, and would also allow the Town to apply for one permit for the full closure design which would include both the landfill and the building of the highway facility.

The Town Administrator noted that the Town would go back to RIDEM and resubmit the 30% plans, bring those plans up to 50% which would allow for public comment and response to any environmental issues. Once that process is completed, the Town would then go out to bid for the building and closure of the landfill.

Councilor Settipane recommended that if this site is supported by the Council, it should be made subject to the environmental and engineering design and appropriate RIDEM approvals, with funding not to exceed \$75,000.00 to be considered at the Financial Town Meeting. Additionally, Councilor Settipane requested that the Council establish a budget for the highway barn facility and the new town hall.

The Town Clerk informed the Council that the address for the siting of the new Highway Facility is 1218 North Main Road.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve 1218 North Main Road as the site for the highway facility. So unanimously voted.

It was moved by Councilor Settipane, seconded by Councilor Long to request at the Financial Town Meeting to be put on as an item the amount not to exceed \$75,000.00 for environmental, engineering and design evaluation for the highway barn at the lower transfer station site with the project to be addressed and placed on a Financial Town Meeting for final approval. So unanimously voted.

Councilor Ferguson requested that item #5 of the Town Administrator's report be discussed.

5. Maintenance of property located under the Newport Bridge

Councilor Ferguson informed the Council that she viewed the property with Mr. Bianco and was assured that the site would be cleaned up and maintained. The Town Administrator stated that he would follow-up on this issue.

6. Request that the Council appoint a sub-committee to review job performance of the Town Administrator

It was the consensus of the Council to hold an executive session on May 9, 2005 to review the job performance of the Town Administrator.

7. Request that the Council approve a request to change the hours of operation at the Town Hall, Town Offices, and Planning/Recreation Office

The Council discussed the proposed changes to the administrative offices for the Town as suggested by the Town Administrator. It was the consensus of the Council that the increased hours for Mondays could interfere with Council meetings and that the Friday closing at 12:00 Noon would be too early.

There being no objection by the Council, a request by the Town Administrator to discuss item #5 under New Business was granted.

New Business

5) FY 2005 Community Development Block Grant

- a) Approval of project priority

The Town Planner reviewed the following projects as listed on the Community Development Block Grant:

- Housing Development: Funds to be used to provide subsidy and financial incentives to create permanent affordable housing opportunities for low and moderate-income individuals and families as provided in the Jamestown Affordable Housing Plan
- Housing Rehabilitation: Provide funding to Senior Housing, Pemberton Apartments and Pemberton Place, for roof repair and building rehabilitation
- Public Facility: Provide funding for East Bay Community Action to make capital improvements to their medical, dental and services facilities that assist low-income families
- Economic Development: Support for the Women's Resource Center to provide economic literacy education and micro-enterprise services for victims of domestic violence
- Public Services: Provide operating support for the Housing Hotline of Newport county to provide housing counseling and referral services
- Town Administration

The total of requested funding in the application is for an amount up to \$250,000.

Councilor Settipane expressed his concern that 80% of the funding was directed towards housing development and requested that consideration be given to projects such as renovations at Fort Getty.

It was the consensus of the Council to instruct the Town Planner to address the possibility of including other town projects on the priority list and return to the Council on May 9, 2005 for review.

2) Tree Preservation and Protection Committee

a) Letter from Carolyn Armington, Vice Chair, re: quorum

The Town Clerk reported that she is working with the Conservation Commission Chair to appoint a Conservation Commission liaison to the Tree Preservation and Protection Committee. It was also reported that if a member of the Conservation Commission is not available for the appointment, the vacancy will be advertised.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the communication from Carolyn Armington. So unanimously voted.

3) Harbor Management Committee

a) Notice of a public workshop on Thursday, April 28th at 7:00 p.m.

It was the consensus of the Council to request that the Town Administrator provide the Council with the emergency resolution passed by the Council in June of 2004 relating to the wood pile pier at East Ferry for review by the Council at the May 9, 2005 meeting.

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

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

1) Resolution No. 05-006R re: Resolution requesting the RI General Assembly to increase the amount of Real Estate Conveyance Tax received by Rhode Island municipalities

It was moved by Councilor Settipane, seconded by Councilor Long to adopt Resolution No. 05-006R requesting the General Assembly to increase the amount of conveyance tax received by Rhode Island municipalities. So unanimously voted.

2) Proclamation No. 05-007P re: Arbor Day

It was moved by Councilor Settipane, seconded by Councilor Long to adopt Proclamation No. 05-007P celebrating April 29, 2005 as Arbor Day. So unanimously voted.

3) Letter of request from Katherine Sipala, School Superintendent re: support of the following resolutions:

It was requested by the School Committee Chair to remove the resolution relating to Education Funding Formula from the agenda as it will be reconsidered by the School Committee at their next meeting.

a) Pension reform

Councilor Settupane inquired who was responsible for the oversight in the State Pension Fund and requested that the Town Solicitor look into this and report back at the May 9, 2005 Council meeting.

It was moved by Councilor Settupane, seconded by Councilor Long to endorse the resolution relating to Pension Relief and the resolution relating to Fire Code, as presented by the Jamestown School Committee. The endorsed resolutions are as follows:

- Resolution relating to Pension Relief, supporting efforts to reform the current Rhode Island State Employee Pension benefit system, inclusive of the Rhode Island's Superintendent's Association options for immediate assistance for FY 2006 without placing undo fiscal burden on the local property tax system; and secondarily, to study variable options in collaboration with all affected constituents for long term pension benefit reform
- Resolution relating to Fire Code, supporting legislative reform for the display of student artwork and teaching materials

b) Education funding formula

Not addressed as requested by School Committee Chair.

c) Fire code improvements re: art work

Previously addressed.

d) Regional busing

It was the consensus of the Council that the review of regional busing be continued to the Council meeting on May 9, 2005.

e) Scope of bargaining

It was the consensus of the Council that the review of scope of bargaining be continued to the Council meeting on May 9, 2005.

4) Proclamation 05-008P re: Teacher's Appreciation Week

It was moved by Councilor DiGiando, seconded by Councilor Long to adopt Proclamation 05-008P in honor of Teacher's Appreciation Week. So unanimously voted.

COMMUNICATIONS AND PETITIONS

1) Letter from Joseph R. Palumbo, Jr., Esq. Re: Holly Street

It was moved by Councilor Settupane, seconded by Councilor DiGiando to forward the letter from Joseph R. Palumbo, Jr. to the Town Solicitor. So unanimously voted.

2) Letter from the RI Department of the Attorney General re: LNG Legal Strategy

Previously addressed.

- 3) Letter from Bill Sheehan re: Ft. Getty

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Bill Sheehan. So unanimously voted.

- 4) Letter from Clayton Carlisle re: establishment of a Parks & Recreation Commission

It was moved by Councilor Long, seconded DiGiando to accept the communication from Clayton Carlisle regarding the establishment of a Parks & Recreation Commission. So unanimously voted.

- 5) Letter from M.E. Landry, Captain of the US Coast Guard re: proposed LNG facilities

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the letter from M.E. Landry, Captain of the US Coast Guard regarding proposed LNG facilities. So unanimously voted.

- 6) Letter from David Van Slyke re: North End Concerned Citizens Association/Jamestown Landfill

- a) Attachment from MACTEC re: Jamestown Landfill Closure

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from MACTEC regarding the Jamestown Landfill closure. So unanimously voted.

- b) Letter from Town Administrator re: response

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the communication from David Van Slyke. 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) One Day Peddler License:

- a) Application of the Jamestown Women's Club to sell phonebooks during the Memorial Day Parade on May 30th from 9:30 to 11:00 a.m. in front of Bank of America. Applicant requests to waive the \$5.00 peddler fee (*no insurance form submitted*)

It was moved by Councilor DiGiando, seconded by Councilor Settipane to approve the One Day Peddler License to the Jamestown Women's Club to sell phonebooks during the Memorial Day Parade on May 30th from 9:30 to 11:00 a.m. in front of Bank of America and to waive the \$5.00 fee. So unanimously voted.

- b) Application of the Jamestown Humane Society to sell t-shirts, tote bags, veggie cookbooks, etc. during the Memorial Day parade on May 30th from 8:30 a.m. to 2:00 p.m. in front of the mall/Slice of Heaven. Applicant requests to waive the \$5.00 peddler fee (*no insurance form submitted*)

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the One Day Peddler License for the Jamestown Humane Society to sell t-shirts, tote bags, veggie cookbooks, etc. during the Memorial Day parade on May 30th from 8:30 a.m. to 2:00 p.m. in front of the mall/Slice of Heaven and to waive the license fee of \$5.00. So unanimously voted.

- c) Application of Central Baptist Church to sell coffee, baked goods and lemonade during the Memorial Day Parade on May 30th from 8:00 a.m. to noon in front of the Church located at 99 Narragansett Avenue. Applicant requests to waiver the \$5.00 peddler fee (*no insurance form submitted*)

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the Peddler License for Central Baptist Church to sell coffee, baked goods and lemonade during the Memorial Day Parade on May 30 from 8:00 a.m. to 12:00 noon in front of the Church and to waive the \$5.00 fee. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: Legislative Update

Representative Bruce Long provided the Council with a legislative update. In addition, Representative Long offered to assist in providing a speaker for another Council meeting to discuss House Bill 6095 relating to Taxpayer's Relief Act of 2005.

- 2) Non-scheduled request to address

Mary Webster, Mt. Hope Avenue inquired when the next hazardous waste collection would be held. The Town Administrator stated that he would provide the next available date to the Council.

APPOINTMENTS AND RESIGNATIONS

- 1) Fire Department Tax Abatement Committee
 - a) Reappointment of James Ingari

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the reappointment of James Ingari to the Fire Department Tax Abatement Committee. So unanimously voted.

- 2) Board of Canvassers
 - a) Two (2) vacancies exist on the Board for a full member and an alternate member, both terms ending 03/31/2011
 - b) Letter from Jane Anthony, Chairperson of the Republican Town Committee re: reappointment of a full member
 - c) Letter from Jane Anthony, Chairperson of the Republican Town Committee re: reappointment of an alternate member

- d) Letter from the Canvassing Authority re: reappointments
- e) Letter from Marian J. Clarke (Full Member) re: reappointment as a full member
- f) Letter from Linda A. Warner (Alternate) re: reappointment as an alternate or full member

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letters regarding the appointments to the Jamestown Board of Canvassers. So unanimously voted.

Pursuant to RIGL 17-8-1, President Littman nominated Linda A. Warner as the full member on the Jamestown Board of Canvassers and Marian J. Clarke as the alternate member on the Board of Canvassers. Marian Clarke was present and declined the nomination; whereby, Council President Littman then nominated Jane S. Sprague as the alternate member to the Jamestown Board of Canvassers.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to appoint Linda A. Warner as the full member and Jane S. Sprague as the alternate member on the Jamestown Board of Canvassers. So unanimously voted.

UNFINISHED BUSINESS (cont. from 04/11/2005)

- 1) Property Tax Exemptions re: proposed amendment to include a tax exemption for the deaf
 - a) Copy of exemption law provided by the Town Administrator

Previously addressed.

- 2) Highway Barn
 - a) If favorable - vote to site at 1218 North Main Road

Previously addressed.

- 3) General Assembly re: Open Meetings Law
 - a) Resolution supporting the Open Meetings Law (*per Councilor Settupane*)

It was the consensus of the Council to continue the Resolution supporting the Open Meetings Law to May 9, 2005.

NEW BUSINESS

- 1) Town Hall
 - a) Report from Town Administrator and recommendation of location; if favorable vote to approve

Previously addressed.

- 2) Resolution for Financial Town meeting
 - a) Town Hall – requesting \$300,000.00 for bid specifications; if favorable vote to approve

Previously addressed.

- b) Highway Barn – requesting \$75,000.00 for bid specifications; if favorable vote to approve

Previously addressed.

- 3) Snow plow damage claims:
 - c) Fred Giso

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from Fred Giso, deny the claim and refer it to the Town Solicitor. So unanimously voted.

- d) James Anderson

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from James Anderson, deny the claim and refer it to the Town Solicitor. So unanimously voted.

- 4) Facsimile from Thomas P. Koolen re: request to waive accrued personal property tax interest

It was moved by Councilor Settipane, seconded by Councilor Long to accept the communication from Thomas P. Koolen. So unanimously voted.

- 5) FY 2005 Community Development Block Grant
 - a) Approval of project priority

Previously addressed.

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