

TOWN COUNCIL MEETING

July 14, 2003

(amended July 28, 2003)

A regular meeting of the Jamestown Town Council was called to order at the Melrose Avenue School, 76 Melrose Avenue, at 7:00 PM by Council President Kenneth G. Littman. The following members were present:

David J. Long, Vice President

Julio J. DiGiando

Claire M. Ferguson

Guy J. Settipane

also present were:

Maryanne Crawford, CPA, Town Administrator

Arlene D. Petit, Town Clerk

Douglas R. DeSimone, Town Solicitor

Steven Goslee, Public Works Director

Representative Bruce J. Long

Lisa Bryer, Town Planner arrived at 7:20 PM

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

It was requested that item #2 be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor DiGiando to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) 06/23/2003 Regular Meeting
 - b) 06/30/2003 Special Meeting
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Planning Commission (05/21/2003, 06/04/2003)
 - b) Board of Canvassers (05/23/2003)
 - c) Zoning Board of Review (05/20/2003)
 - d) Harbor Management Commission (05/14/2003)
 - e) Conservation Commission (05/13/2003)

- f) Town Buildings and Facilities Committee (02/26/2003, 03/12/2003)
- 4) CRMC Notices:
 - a) July 2003 Amended Calendar
- 5) DEM Notices: Workshop re: those affected by or interested in the RI Pollutant Discharge Elimination System (RIPDES)
- 6) Notice of Administrative Decision from the Zoning Official re: James Simmons and Suzanne Auboiss, Plat 9, Lot 16; 17 Maple Ave.
- 7) Press Release:
 - a) Jamestown Ambulance Association Compensation Committee
 - b) Jamestown Affordable Housing Committee
 - c) Jamestown Tax Assessment Board of Review
- 8) Naval Station Newport Restoration Advisory Board Meeting minutes 06/18/2003
- 9) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Settupane requested additional information regarding the \$8925.00 payment made to Vollmer and Associates. The Town Administrator noted that Vollmer and Associates has provided conceptual designs which have been forwarded to the Neighborhood Advisory Committee for their review. The committee will then make recommendations to the Town Council.

It was moved by Councilor Settupane, seconded by Council President Littman to approve the bills and payroll. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Pursuant to RIGL 42-46-5 (a) Council President Littman announced that there would be an executive session later in the evening to discuss an update on litigation and the acquisition of property.

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation: Update on status of litigation from Town Solicitor (cont. from 06/09/2003)
- 2) Pursuant to RIGL 42-46-5 (a) (5) Real Estate

PUBLIC HEARINGS

None

OPEN FORUM

- 1) Scheduled request to address

- a) Patrick Bolger re: Harbor Management Ordinance - July 21st hearing

Mr. Bolger requested that the Town Council consider changing the manner in which the hearing for the Harbor Management Ordinance is conducted. Additionally, Mr. Bolger requested that amplification be provided. Mr. Bolger informed the Council that he expects his presentation to take approximately forty-five minutes. The presentation will consist of comments concerning the proposed Harbor Comprehensive Plan, the guidelines by which the plan was constructed, the current Comprehensive Plan, financial statements, CRMC Regulations, RIDEM Regulations and deeds from various segments of Town.

The Council discussed their concerns regarding a lengthy presentation being given by one individual and the possibility that this would interfere with the public's right to comment by not allowing enough time for each individual to speak.

Mr. Bolger asked if he would be allowed to present a package to the Council containing information that he would be referencing in his presentation. The Town Solicitor advised that any information could only be given to the Council at the time of the public hearing.

There was no determination made regarding extending the length of time an individual may speak at the hearing for the proposed Harbor Management Ordinance.

- 2) Non-scheduled request to address

Sav Rebecchi, Sail Street, inquired if the Town Administrator has written a letter to the Conanicut Island Land Trust requesting that the Town be allowed to conduct well testing on their property abutting the former landfill.

The Town Solicitor noted that this was not an agenda item and advised that if the Council wishes to take any action on this it should be on the next Town Council agenda.

Daniel Lilly, Seaside Drive, addressed the road conditions in Jamestown. Mr. Lilly suggested that the Town purchase the proper equipment in order to maintain roads in a cost effective manner.

~~Mr. Lilly~~ *William Kelly, Reservoir Circle* presented a flyer on Pro-Patch equipment and suggested that the Town should invest in a pick-up truck with a compressor and the Pro-Patch equipment for approximately \$170,000.00.

James R. Bryer, Fire Chief, requested that item #5 under unfinished business be moved up on the agenda.

It was the consensus of the Council to move Unfinished Business up on the agenda, specifically to discuss the rescue/fire boat as requested by Chief Bryer.

Unfinished Business

- 5) Rescue/Fire Boat
 - a) Report from the Fire Chief re: specifications for a new boat and funding options

Chief Bryer stated that the rescue/fire boat that is presently being used has been repaired and although it cannot be guaranteed, it is in working condition.

Council President Littman stated that in the last budget cycle the Council had approved \$40,000.00 to be set aside towards the purchase of a new boat. It was expected that within four or five years there would be enough funds set aside for the purchase of a new boat; however, if this boat is needed more quickly, the Fire Department should submit the bid specifications and funding options to the Town Council.

The Council discussed what options would be available in the event that the purchase of the boat were to be an emergency.

- Fund in the next budget cycle
- Purchase from unreserved fund balance (the Town Solicitor informed the Council that they have the authority, in an emergency situation, to use funds from the unreserved fund)

Chief Bryer noted that the boat is thirteen years old, the motor is ten years old, all the electronics have been repaired or replaced and presently, all are in working condition. Therefore, at this time, this is not an emergency situation. Additionally, Mr. Bryer stated that the Fire Department is working on the bid specifications; however, they would like to defer the funding options to the Town Administrator and Council. The Fire Department will continue to work towards obtaining any grant funding and donations towards the purchase of the new boat.

Captain Kenneth Gladding of the Jamestown Volunteer Fire Department informed the Council that he has been aggressively seeking grant funding, but, to date, he has found no funding for fire/rescue boats. Additionally, Captain Gladding commented that the Fire Department has raised approximately \$10,000.00 in donations towards this purchase. Captain Gladding informed the Council that the Fire Department is responsible for 105 square miles of area and cannot be without a boat. With the present boat, response time to the Jamestown Bridge is thirty-five minutes; with a new boat it will take approximately eleven minutes.

It was moved by Councilor Settipane, seconded by Councilor Ferguson to instruct the Fire Department to present the specifications and funding options to the Town Council so that they can be included in the next budget cycle. So unanimously voted.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

1) Town Administrator's report (attached)

The Town Administrator provided the following additional information:

Noise Ordinance

Councilor DiGiando inquired if the proposed Noise Ordinance should be ready for hearing as scheduled in the bar graph.

The Town Administrator recommended that prior to a hearing, the Council schedule a work session with the consultant that drafted the proposed noise ordinance.

Council President Littman suggested that the proposed Liquor Control Ordinance could be worked on at the same time.

Wastewater Management Plan

The Town Administrator informed the Council that public education is ongoing.

North Road/Bicycle Path

The Town Administrator informed the Council that she would be meeting with RIDOT on July 17 to discuss issues related to the bicycle path and access on North Road.

Police Department

Councilor Settiane expressed his concern regarding the amount of uncollected tickets.

Building Department

Councilor Settiane requested a five-year breakdown of permits issued by the Building Department. The Town Administrator stated that she would provide graphs indicating the requested information.

Community Center

Councilor Littman inquired into the plans for maintaining the landscaping at the Community Center. The Town Administrator informed the Council that the maintenance of landscaping is expected to begin shortly.

Bid Awards

It was moved by Councilor Settiane, seconded by Councilor Long to award the bid for a mobile air supply unit to United Divers for an amount not to exceed \$7,471.67. So unanimously voted.

It was moved by Councilor Settupane, seconded by Councilor Long to award the bid for a four inch fire hose to New England Fire Equipment for an amount not to exceed \$9,900.00. So unanimously voted.

It was moved by Councilor Settupane, seconded by Councilor Long to award the bid for protective clothing to Fire Tech & Safety for an amount not to exceed \$9,579.96. So unanimously voted.

It was moved by Councilor Settupane, seconded by Councilor Long to award the bid for a furnace to H.V. Holland for an amount not to exceed \$4,900.00. So unanimously voted.

- 2) Town Planner
 - a) Memorandum re: Conanicut Battery

John Howard, representing the Battery Management Group, informed the Council that the members of the Conanicut Battery Executive Committee have voted against the sale of a strip of land which is owned by the Town of Jamestown and part of the parcel upon which the Battery sits.

No action taken.

- b) Memorandum re: Golf Course Maintenance Facility

Council President Littman recused himself from any discussion or vote.

It was moved by Councilor Settupane, seconded by Councilor Ferguson to endorse the construction of a maintenance facility as proposed, subject to it being consistent with the property's use for conservation, open space and related public recreational purposes as stated in the Deed of Easement. It was voted Councilor Settupane, aye; Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye. Council President Littman recused. The motion passed with four in favor and one recusal.

- c) Memorandum re: RI Housing Targeted Assistance Grant, Town Council Endorsement

It was moved by Councilor Settupane, seconded by Councilor Long to authorize the submission of an application for the Rhode Island Housing Targeted Assistance Grant for the purpose of preparing a Strategic Affordable Housing Plan as proposed by the Town Planner. So unanimously voted.

- 3) Library Board of Trustees
 - a) Letter from Chair re: Vacancies

It was the consensus of the Council to order advertising for the vacancies on the Library Board of Trustees in August for the December appointments, as requested by the Chair.

- 4) Jamestown Tax Assessment Board of Review

- a) Letter from Chair re: Board

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

- 5) Town Clerk
 - a) Memorandum re: Personnel Board

In order to bring the term ending dates into compliance with the Jamestown Charter, the Town Clerk requested that all Personnel Board member's terms end in the month of May of their respective year.

It was moved by Council President Littman, seconded by Councilor Settipane to change the term ending dates for the Personnel Board to May 31 of their respective year. So unanimously voted.

Following are the new term ending dates:

Jill Anderson	May 31, 2006
Jeffrey Hunter	May 31, 2006
Mary Ann Joyce	May 31, 2005
Nancy Kolman-Ventrone	May 31, 2003 (2006 if reappointed for three-year term)
W. Randall Tyson	May 31, 2004

The Town Clerk noted that the term for Personnel Board members is three years, Nancy Kolman-Ventrone's term expired in 2003, with the Charter change and additional members appointed, it was recommended that in order to ensure a continuing quorum, Ms. Kolman-Ventrone be reappointed to a two-year term ending May 31, 2005.

The Town Solicitor suggested that this be continued on the agenda so that he could review the Charter regarding the Clerk's request.

- 6) Tax Assessor
 - a) Nomination of Kenneth Gray

The Town Administrator informed the Council that Kenneth Gray has been training with the Tax Assessor, Susan Brayman and his performance has been excellent. The Town Administrator strongly recommended the Council's support in the appointment of Kenneth Gray as the new Tax Assessor, effective upon Ms. Brayman's retirement on July 25, 2003 at 5:00 p.m. If appointed, Mr. Gray will pursue courses and requirements necessary for him to become a Certified Tax Assessor.

Councilor Settipane noted that the position of Deputy Tax Assessor would no longer be necessary upon the appointment of a new Tax Assessor

It was moved by Councilor DiGiando, seconded by Councilor Long to approve the hiring of Kenneth Gray as Tax Assessor, effective 5:00 p.m. July 25, 2003. So unanimously voted.

UNFINISHED BUSINESS

- 1) Town Solicitor
 - a) Selection

Council President Littman noted that the Council has been conducting interviews for the position of Town Solicitor. Consideration is being given to a firm's experience and Town budget constraints.

Following a discussion on individual qualifications of candidates, two firms were selected for further discussion.

It was felt that the J. William W. Harsch consortium, which would include Larry Parks would be a possibility; however some Council members had some concerns regarding the appointment of an attorney that was a resident of the Town. Additionally, the Council reviewed the qualifications of Christopher J. Zangari. It was thought that Mr. Zangari, although a small firm, could be teamed with Bruce Leach for a more comprehensive approach.

There was Council discussion regarding the possible need for additional interviews on the two final candidates.

It was moved by Councilor DiGiando, seconded by Councilor Long to approve the appointment of J. William W. Harsch as Town Solicitor.

It was moved by Councilor Settipane, seconded by Council President Littman to table the motion to appoint a Town Solicitor until the July 28, 2003 Town Council meeting. It was voted Councilor Settipane, aye; Councilor Long, aye; Councilor Ferguson, aye; Council President Littman, aye; Councilor DiGiando, nay. The motion passed with four in favor and one opposed.

It was moved by Councilor Settipane, seconded by Councilor Long to instruct the Town Clerk to expeditiously set up interviews for Christopher J. Zangari and J. William W. Harsch for the position of Town Solicitor prior to the July 28, 2003 Town Council meeting. It was voted, Councilor Settipane, aye; Councilor Long, aye; Councilor Ferguson, aye; Council President Littman, aye; Councilor DiGiando, nay. The motion passed with four in favor and one opposed.

- 3) Assessment of Town Roads (cont. from 06/23/2003)
 - a) Report from Steve Goslee, Director of Public Works

The Public Works Director reviewed the work history report and inventory report of Town roads, noting that in some instances residents have requested that their road not be

upgraded or paved. Additionally, Mr. Goslee informed the Council that the initial construction of a paved road should last ten years or more.

Councilor Settupane requested that the work report contain an updated comment section. Councilor Settupane also suggested that Mr. Goslee prepare a priority list for road repairs and a cost estimate of those repairs.

A discussion ensued regarding the possibility of applying for grant money to assist in the funding of the road repair project.

Mr. Goslee stated that it would take time to provide the Council with the additional information.

It was moved by Councilor Settupane, seconded by Councilor Ferguson to request the Public Works Director to provide a brief outline on how to undertake the assessment assignment of Town roads and the time line of when it could be completed to the Council by the August 12, 2003 Town Council meeting. So unanimously voted.

- 4) RI Interlocal Risk Management Trust Assessment (cont. from 06/23/2003)
 - a) Town Administrator recommendations

The Town Administrator reported that she will be responding to the Trust regarding the assessment of town buildings within forty-five days and requested that she be allowed to handle this administratively.

- 5) Public Access and Parking in Fishing Areas (cont. from 06/23/2003)
 - a) Report from the Chief of Police

The Town Administrator reported that the Rhode Island Turnpike and Bridge Authority (RITBA) is in the process of installing a fence across Bridge Authority property and across the easement on Town property. The Executive Director is also investigating the possibility of granting enforcement powers to the Jamestown Police Department for the RITBA property. The Chief of Police is also looking at current grants for the funding for an additional patrol to assist with the problems in the area of the bridge.

Councilor Settupane mentioned that he was informed by the Harbormaster that there is an access problem at the Jamestown Shores Beach with parking and access to the boat ramp. The Town Administrator stated that the Harbormaster should be reporting any problems of this nature to the police. The Town Administrator will discuss this with the Harbormaster.

- 6) Rescue/Fire Boat (cont. from 06/23/2003)
 - a) Report from the Fire Chief re: specifications for a new boat and funding options

Previously Addressed.

COMMUNICATIONS

- 1) Letter from Milton Bickford re: Patriot Act

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

- 2) Letter from Kristin Kennedy re: Patriot Act

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

- 3) Letter from Michael & Colleen Schnack re: Patriot Act

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the communication from Michael and Colleen Schnack. So unanimously voted.

- 4) Letter from Thomas F. Ginnerty re: Enforcement of Speed Limit

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Thomas F. Ginnerty. So unanimously voted.

The Town Administrator noted that the letter from Mr. Ginnerty has been forwarded to the Chief of Police who has ordered extra patrols in the area.

- 5) Letter from the Attorney General re: 2003 Open Government Summit

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

NEW BUSINESS

- 1) Entertainment License Application
 - a) Jamestown Golf Course to have entertainment at the Golf Course & Country Club on October 5th at 245 Conanicus Avenue. If favorable grant request subject to the resolution of debts, taxes and appropriate signatures.

Council President Littman recused himself from any discussion relating to the Golf Course and Country Club.

The Town Administrator informed the Council that she had some concerns regarding the request for an entertainment license and would like to meet with the applicant. The Town Administrator recommended that this item be continued.

No action taken.

- 2) One Day Peddler License Application
 - a) St. Mark's Church to sell raffle tickets for the Jamestown Quilt during the Fools' Rules Regatta at East Ferry on August 16th. If favorable grant request subject to the resolution of debts, taxes and appropriate signatures and waive the \$5.00 application fee.

It was moved by Councilor Settupane, seconded by Councilor Long to approve the One Day Peddler License Application for St. Mark Church to sell raffle tickets for the Jamestown Quilt at the Fools' Rules Regatta on August 16, 2003 with a rain date of August 17, 2003 and to waive the application fee, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 3) Event Application
 - a) Fishing Derby at the North Reservoir on July 26th. If favorable grant request subject to the resolution of debts, taxes and appropriate signatures.

It was moved by Councilor Settupane, seconded by Council President Littman to approve the Event Application for the Fishing Derby at the North Reservoir on July 26, 2003, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 4) Victualing License Application
 - a) Grapes & Gourmets, Inc. dba: Grapes & Gourmets, 9 Ferry Wharf. If favorable grant request subject to the resolution of debts, taxes and appropriate signatures.

It was moved by Councilor Settupane, seconded by Councilor Long to approve the Victualing License for Grapes & Gourmets, Inc. dba: Grapes & Gourmets, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 5) Sunday Sales License Application
 - a) Grapes & Gourmets, Inc. dba: Grapes & Gourmets, 9 Ferry Wharf. If favorable grant request subject to the resolution of debts, taxes and appropriate signatures.

It was moved by Councilor Settupane, seconded by Councilor Long to approve the Sunday Sales License for Grapes & Gourmets, Inc. dba: Grapes & Gourmets, subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 6) Letter from Kenneth Kuzmick re: zoning changes

The Town Solicitor informed the Council that Mr. Kuzmick would need to appear before the Zoning Board of Review regarding his concerns.

It was moved by Councilor Settupane, seconded by Council President Littman to accept the communication from Kenneth Kuzmick. So unanimously voted.

- 7) Letter from Andrew S. Caslowitz, Esq. re: Mary Carr injury

It was moved by Councilor Settipane, seconded by Councilor Long to accept the communication from Rappoport, DeGiovanni & Caslowitz regarding Mary Carr and to refer the letter to the Town Administrator and Town Solicitor for repose and appropriate redress. So unanimously voted.

It was moved by Councilor Settipane, seconded by Council President Littman to deny the claim presented by Rappoport, DeGiovanni & Caslowitz. So unanimously voted.

- 8) Letter from Nicholas Schaus re: Medicare drug benefit bill resolution

It was moved by Councilor Long, seconded by Councilor Settipane to accept the communication from Mr. Schaus. So unanimously voted.

- 9) Letter from the RI Coalition for the Homeless re: Bringing America Home Act

It was moved by Council President Littman, seconded by Councilor DiGiando to accept the communication regarding Bringing America Home Act. So unanimously voted.

OPEN FORUM CONTINUED

Valarie Molloy, Columbia Avenue expressed her concern regarding the parking barrels at Mackarel Cove being pushed into the street and obstructing traffic.

The Town Administrator informed the Council that in the summer season it is necessary to have the parking barrels in the breakdown lane in order to allow cars to enter and exit safely.

Councilor DiGiando mentioned that there is also a problem with sand on the roadway when riding a bicycle. The Town Administrator stated that she has informed the State of the need for street sweeping in that area.

EXECUTIVE SESSION

It was moved by Councilor Long, seconded by Council President Littman to adjourn into executive session at 9:30 PM pursuant to RIGL 42-46-5 (a) (2) litigation and 42-46-5 (a) (5) real estate. It was voted, Councilor Long, aye; Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Settipane, aye; Council President Littman, aye. The motion passed.

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation: Update on status of litigation from Town Solicitor (cont. from 06/09/2003)
- 2) Pursuant to RIGL 42-46-5 (a) (5) Real Estate

The Council returned to the regular meeting at 11:00 PM. It was moved by Councilor Long, seconded by Councilor Ferguson to seal the minutes of the executive session. The vote was, Councilor Long, aye; Councilor DiGiando, aye; Councilor Settipane, aye; Councilor Ferguson, aye; Council President Littman, aye. The motion carried.

It was moved by Councilor Settipane, seconded by Councilor Long to instruct the Town Administrator to proceed with directions as discussed in executive session with the final limit as established by the Council. So unanimously voted.

It was moved by Councilor Long, seconded by Council President Littman to hold an executive session on July 21, 2003 at 6:45 PM to further discuss real estate negotiations. It was voted, Councilor Long, aye; Councilor DiGiando, aye; Councilor Settipane, aye; Councilor Ferguson, aye; Council President Littman, aye. The motion carried.

There being no further business before the Council, it was moved by Councilor Long, seconded by Council President Littman to adjourn the meeting at 11:10 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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