

TOWN COUNCIL MEETING  
February 17, 2009

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall, in the Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue at 7:00 p.m. by Council President Julio J. DiGiando. The following members were present:

Michael G. White, Vice President  
Robert W. Sutton, Jr.

absent: William A. Kelly  
Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator  
Peter D. Ruggiero Town Solicitor  
Arlene D. Petit, Town Clerk

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

None

**COUNCIL SITTING AS ALCOHOLIC BEVERAGE 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.*

Councilor White noted that the Council work session scheduled for March will begin at 6:30 p.m. rather than the 6:00 p.m. time mentioned in the Council minutes. It was moved by Councilor Sutton, seconded by Councilor White to accept the Consent Agenda. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) February 2, 2009 (work session)
  - b) February 2, 2009 (regular session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Tax Assessment Board of Review (01/29/2009, 12/11/2008)
  - b) Bike Path Design Committee (01/07/2009)
  - c) Town Charter Review Committee (02/04/2009)
- 4) CRMC Notices:
  - a) Calendar, February 2009
  - b) Application for an Assent from Lawrence and Elizabeth Allen, 418 East Shore Road, Jamestown, to construct and maintain a residential boating facility to consist of a fixed pier with a terminal T section. (application on file in the Town Clerk's office)

- c) Notices of public hearing on proposed changes to the RI Coastal Resources Management Program:
  - i) Management Procedures, March 24, 2009
  - ii) Greenwich Bay Special Area Management Plan, April 14, 2009
  - iii) Section 300.17 – Wetland Walkover Structures
- 5) Proclamations & Resolutions from other Rhode Island cities and towns:
  - a) Town of Burrillville
    - i) Resolution supporting specific articles in the Governor’s FY2009 Supplemental Budget
    - ii) Resolution supporting additional articles in the Governor’s FY2009 Supplemental Budget
  - b) City of East Providence re: Resolution No. 8 supporting necessary municipal tools contained in the Governor’s FY 2009 Supplemental Budget Proposal
- 6) Abatements/Addenda of Taxes

**EXECUTIVE SESSION ANNOUNCEMENT**

*The Town Council may seek to go in Executive Session to discuss the following items:*

- 1) Pursuant to RIGL 42-46-5 (a) (5) real estate (negotiations)
  - a) 44 Southwest Avenue

Council President DiGiando announced that the Council would meet in executive session later in the evening to discuss on-going negotiations for the sale of 44 Southwest Avenue, pursuant to RIGL 42-46-5 (a) (5) real estate.

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

- 1) Town Administrator Report (as follows)

**To:** *Honorable Town Council*  
**From:** *Bruce R. Keiser, Town Administrator*  
**Date:** *February 12, 2009*  
**Subject:** *Town Administrator's Report*

### ***Budget Update***

The Economic Stimulus package provides funding for State fiscal stabilization, public infrastructure, and special education. One or more of these funding streams may have direct benefit to Jamestown through avoided State cuts or added revenue. As more precise information emerges, I will keep the Council informed about the implications on Town projects, programs, and revenues.

### ***Landfill Closure***

Mike Gray and I have met with several North End residents to review their questions and clarify issues concerning the draft final design plan. Based on our discussion, we have agreed with a few minor changes prior to submission to the DEM. A follow-up meeting with GZA will take place next week. We will place the final plan on the Council agenda in early March.

### ***Concrete Pier***

Peppes Construction began work on the Curbs and Rails Project during the week of February 2<sup>nd</sup>. Phase I of the project is expected to last 8 – 10 weeks with completion no later than the first week of April.

### ***EMS vehicle***

Jamestown Emergency Medical Services, Inc. runs three ambulances including a 2003 Ford E450, and 1998 Ford E450, and a backup 1992 International. Based upon the normal life cycle of a front-line responding unit, new equipment is purchased at five-year intervals. When a new vehicle is purchased the older unit(s) is rotated out of service. The Town has a capital reserve set-aside of \$55,433 for rescue vehicle replacement. JEMS has raised an additional \$64,000 for a new ambulance for a total currently available balance of \$119,433.

The executive committee has evaluated and test driven three new ambulances. The preferred vehicle is a new 2008 GMC demonstration model with a 5-year warranty through Greenwood Emergency Vehicles of North Attleboro, MA. This is the same dealer from which the Jamestown Fire Department purchased its fire apparatus.

JEMS will conduct its annual fund-raising appeal in March. In the last several years, donations have ranged from \$35,000 to \$40,000. To enable JEMS to purchase the available demonstration vehicle, I would recommend that the Town enter into a lease / purchase agreement with Greenwood with the balance to be paid when funds are fully available. In taking this approach, the Town will be accepting responsibility for meeting any shortfall.

Additional Council comments on the Town Administrator's report:

- a) Budget update
- b) Former landfill closure

The Town Administrator reported the following discussions with the North End residents:

Summit Avenue: Possibility of abandoning a portion because the footprint of the former landfill extends to the border of Summit Avenue. This would not preclude anyone from building another road on lot 47 from the portion of Summit Avenue that is not abandoned.

Holly Street: Portion identified as a buffer zone.  
Fencing: Not cost effective for fencing around entire perimeter.

Compost Area: Receiving clarification from GZA regarding the possibility of any leaching into one of the detention ponds.

Western Boundary: Tree buffer being planned along North Main Road.

The Town Administrator noted that the North End residents have indicated that they will support the plan as it now stands.

Councilor Sutton stated that following a review of the quarterly monitoring report from GZA, the water under the former landfill continues to meet drinking water quality standards of the State of Rhode Island. In addition, there continues to be improvement in five or six other categories. Councilor Sutton stated that each quarterly report submitted by GZA GeoEnvironmental, Inc. costs the Town approximately \$8,000 to \$9,000, which is \$32,000 to \$35,000 per year. To date, the Town has spent more than \$400,000 over ten to fifteen years for these reports. And, each year the reports show that the results are improving. Councilor Sutton asked if it would be possible to reduce the frequency of these reports to semiannual reports.

The Town Administrator answered that presently the Town is following State procedures, any changes would be presented for their consideration.

It was the consensus of the Council to instruct the Town Administrator to discuss any changes in reporting procedures with the State and report back to the Council with any additional information.

- c) Concrete pier
- d) JEMS vehicle

The Town Administrator noted that it was his plan to include in the 2009/2010 budget the shortfall of funds for the purchase of an emergency vehicle for JEMS. However, with the availability of the 2008 demonstration vehicle, JEMS is requesting a bridge loan for not more than \$40,000 from the Town until the fundraising is completed. It was noted that the Town holds title to all emergency vehicles.

Councilor Sutton asked if the Town could enter into a lease/purchase agreement or structured agreement with JEMS for the funds being sought from the Town so that there is a responsibility for a timely repayment.

It was moved by Councilor Sutton, seconded by Councilor White that the Town enter into a loan agreement with JEMS for the acquisition of an ambulance and that the Town Solicitor and the Town Administrator draw up the agreement consistent with the Town Administrator's report to the Council. So unanimously voted.

2) Finance Director Report  
No action taken.

3) Town Clerk Meeting Notice for Tuesday, March 3, 2009  
No action taken.

4) Tax Assessment Board of Review re: summary of the Board's deliberations  
No action taken.

5) Jamestown Harbor Commission re: Fort Getty boat ramp and dredging permits  
Council President DiGiando mentioned that the Jamestown Harbor Commission has the funds for this project.

It was moved by Councilor White, seconded by Council President DiGiando to approve the decision of the Harbor Commission to move forward with the plans and permits for the boat ramp improvements at Fort Getty. So unanimously voted.

### **PUBLIC HEARING**

None

### **ORDINANCES AND RESOLUTIONS**

None

### **COMMUNICATIONS AND PETITIONS**

1) Letter from Don E. and Katherine W. Wineberg re: request to prohibit heliports in Jamestown

It was moved by Councilor White, seconded by Councilor Sutton to accept the letter from Don and Katherine Wineberg. So unanimously voted.

2) Letter from the Jamestown Historic Society in response to Council's request re: Historic District Ordinance

It was moved by Councilor White, seconded by Councilor Sutton to accept the response from the Jamestown Historic Society regarding a proposed Historic District Ordinance. 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) **Exhibition License with Vendors Application**

- a) The Bunny Run  
April 11, 2009  
10 a.m. to 1 p.m.  
Map provided

It was moved by Councilor White, seconded by Council President DiGiando to issue the Exhibition License with Vendors permit to Pamela Rodgers for the Bunny Run to be held on April 11, 2009 from 10 a.m. to 1 p.m. with the route as provided on the attached map.

It was noted by the Town Administrator that Ms. Rogers has contacted Chief Tighe regarding the planned route.

So unanimously voted.

2) **Peddler License Renewal Applications**

It was moved by Councilor White, seconded by Council President DiGiando to approve the Peddler License Renewals for the following establishments. So unanimously voted.

- a) Alfred B. Bingell, d/b/a Freddie Bing's Hotdog Thing (cart)  
Location: East Ferry
- b) Lucky Ridge Co., LLC, d/b/a Spinnakers Café Mobile Unit  
Location: East Ferry, Ft. Getty, Mackerel Cove Beach Parking Lot
- c) Jennifer Talancy, d/b/a Sterns Farms Organic Produce  
Location: East Ferry Beach (near beach wall)

3) **Holiday License Renewal Applications**

It was moved by Councilor White, seconded by Councilor Sutton to approve the Holiday License Renewals for the following establishments. So unanimously voted.

- a) A. B. Munroe Dairy, Inc., d/b/a A. B. Munro Dairy  
Location: Island-Wide
- b) Baker's Pharmacy of Jamestown, Inc., d/b/a Baker's Pharmacy  
Location: 53 Narragansett Avenue
- c) Alfred B. Bingell, d/b/a House of Pizza  
Location: 23 Narragansett Avenue
- d) Doriana Carella, d/b/a Village Hearth Bakery  
Location: 2 Watson Avenue
- e) Islandish, Ltd., d/b/a Chopmist Charlies  
Location: 40 Narragansett Avenue
- f) Conanicut Yacht Club, d/b/a Conanicut Yacht Club  
Location: 40 Bay View Drive
- g) Cumberland Farms, Inc., d/b/a Cumberland Farms Store #1108

- Location: 41 North Road
- h) East Ferry Market, Ltd., d/b/a East Ferry Market & Deli  
Location: 47 Conanicus Avenue, Units 1 and 2
- i) Barbara and Michael Gallo, d/b/a Theatre Family Restaurant  
Location: 34 Narragansett Avenue
- j) Grapes & Gourmet, Inc., d/b/a Grapes & Gourmet  
Location: 9 Ferry Wharf
- k) Jamestown Oyster Bar, Inc., d/b/a Jamestown Oyster Bar  
Location: 22 Narragansett Avenue
- l) Long Wharf Marina Restaurant, Inc., d/b/a Bay Voyage  
Location: 150 Conanicus Avenue
- m) Lucky Ridge Co., LLC, d/b/a Spinnakers Café  
Location: 3 Ferry Wharf
- n) David Schock, d/b/a Schock Gallery  
Location: 47 Conanicus Avenue
- o) Urban Flowers, LLC, The Secret Garden  
Location: 12 Southwest Avenue
- p) Zeek's Bait & Tackle, Inc., d/b/a Zeek's Bait & Tackle  
Location: 194 North Road

### **OPEN FORUM**

- 1) Scheduled request to address
  - a) Representative Deborah L. Ruggiero re: legislative update  
Representative Deborah Ruggiero appeared before the Council to inform them that as requested by the Town Council, legislation has been submitted to the House of Representatives regarding the creation of a Juvenile Hearing Board, and legislation regarding the tax relief for the Jamestown Volunteer Fire Department and Jamestown Emergency Medical Services Volunteers.
- 2) Non-scheduled request to address

None

### **APPOINTMENTS AND RESIGNATIONS**

- 1) Conservation Commission (Two (2) vacancies with a three-year term ending December 31, 2011); duly advertised and interviews complete; if favorable appoint
  - a) Letter of Resignation
    - i) Jennifer Stearns Talancy
  - b) Letter of Recommendation and Support
  - c) Letters requesting Reappointment
    - i) Patrick Driscoll
    - ii) Carol Lynn Trocki
  - d) Letters of interest
    - i) Maureen Coleman

- ii) Ellen Winsor
- iii) Paula Samos

Councilor DiGiando stated that there are three vacancies on the Conservation Commission and asked the Town Solicitor if all vacancies could be appointed this evening. There being no objection, it was moved by Councilor White, seconded by Councilor Sutton to reappoint Patrick Driscoll and Carol Lynn Trocki to the Conservation Commission, terms ending December 31, 2011. So unanimously voted.

It was moved by Councilor White, seconded by Councilor Sutton to appoint Maureen Coleman to the Conservation Commission, with a term ending December 31, 2011. So unanimously voted.

### **UNFINISHED BUSINESS**

1) Review of Boards, Commissions and Committees

a) Traffic Committee re: consideration of discharge of committee

The Town Administrator informed the Council that the Chief of Police was in favor of the Traffic Committee remaining active in order to address any parking or traffic issues throughout the island. The Town Administrator reviewed the structure of the present committee which consists of representatives throughout the Town, as well as several staff members.

In answer to Council questions, the Town Administrator agreed that the Traffic Committee could function on a staff level, as is done in other communities, with the staff reporting to the Town Administrator, who would then report to the Town Council.

It was moved by Councilor Sutton, seconded by Councilor White to restructure the Traffic Committee to consist of the following staff members or their designee:

- Town Administrator
- Town Planner
- Public Works Director
- Town Engineer
- Chief of Police

So unanimously voted.

2) Request for Proposals (Draft) re: Re-use of Town property at Fort Wetherill

The Town Administrator reviewed the draft RFP with the Town Council. The Town Administrator noted that along with advertising the RFP, it would be sent to individuals that have already shown an interest in the Fort Wetherill property.

It was moved by Council President DiGiando, seconded by Councilor White to move forward with the Request for Proposals for the re-use of Town property at Fort Wetherill as presented by the Town Administrator. So unanimously voted.



## **NEW BUSINESS**

- 1) Consideration of adopting a policy / ordinance on the naming of town buildings or town properties

The Town Administrator reported that upon surveying other communities, there are very few formal policies or ordinances relating to the naming of town buildings or town properties. The Council discussed the two that were provided.

It was the consensus of the Council that they would take no action at this time.

Councilor Sutton asked if he could add an item to the Agenda. There being no objection, Councilor Sutton addressed the following issue:

### **Newport Pell Bridge**

Councilor Sutton stated that there is proposed legislation in the works that would authorize the Rhode Island Department of Transportation to take over the management of the Newport Pell Bridge from the Rhode Island Turnpike and Bridge Authority. Councilor Sutton expressed his concern with this proposed legislation and asked if the Council should consider opposing such legislation.

It was the consensus of the Council to put this proposed legislation on the March 2, 2009 Council agenda.

## **EXECUTIVE SESSION**

It was moved by Councilor White, seconded by Council President DiGiando to enter into executive session at 8:00 p.m. to discuss on-going negotiations for the sale of 44 Southwest Avenue, pursuant to RIGL 42-46-5 (a) (5) real estate.

It was voted, Councilor Sutton, aye; Councilor White, aye; Council President DiGiando; aye.

## **ADJOURNMENT**

Upon the return of the Council from executive session at 9:10 p.m., it was moved by Council President DiGiando, seconded by Councilor White to seal the minutes of the executive session from the public.

It was voted, Councilor Sutton, aye; Councilor White, aye; Council President DiGiando; aye.

Council President DiGiando announced that there were no votes taken in executive session.

It was the consensus of the Council that the Town Administrator would continue to work with the representatives of the Art Center to revise their numbers and return with an agreement on March 2, 2009.

There being no further business before the Council, it was moved by Councilor White, seconded by Council President DiGiando to adjourn the meeting at 9:15 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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