

TOWN COUNCIL MEETING

February 2, 2009

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

Michael G. White, Vice President
William A. Kelly
Robert W. Sutton, Jr.
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.

It was requested that items #2 and 3(d) be removed from the Consent Agenda. It was moved by Councilor Sutton, seconded by Councilor White to accept the Consent Agenda as amended. So voted, with four in favor, Councilor Kelly recusing from the January 20, 2009 Council minutes due to his absence from that meeting. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) January 12, 2009 (special session)
 - b) January 12, 2009 (work session)
 - c) January 20, 2009 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Fort Getty Master Plan Committee (11/14/2008, 12/9/2008)
 - b) Planning Commission (12/17/2008)
 - c) Zoning Board of Review (12/16/2008)
 - d)
 - e) Jamestown Harbor Management Commission (12/10/2008)
- 4) CRMC Notices:
 - a) Agenda, Amended – Semi Monthly Meeting – Full Council

- 5) Notices:
 - a) EPA re: The Local Landscape
 - b) Statewide Planning Council re: Amendment to the Transportation Improvement Program
- 6) Abatements/Addenda of Taxes

2) Bills and Payroll
Snow Removal Account

The Town Administrator noted that the Snow Removal account and over-time account are significantly over budget because of the amount of snow received so far this winter.

Public Buildings

The Town Administrator clarified that Coverall of Southern New England is used for custodial services for the town buildings. However, the Town Administrator suggested that consideration also be given to adding money in the budget for maintenance services. Councilor Kelly suggested that the Town Administrator consider sharing maintenance services with the school.

Waste Removal

The Town Administrator noted that the charges from GZA GeoEnvironmental, Inc. are for the monitoring at the former landfill for two quarters.

- 3) Minutes from Boards, Commissions and Committees:
 - d) Jamestown Housing Authority (12/3/2008)

In answer to questions relating to the Jamestown Housing Authority minutes, the Town Administrator noted that the previous Executive Director did not require health benefits; however, for the new Executive Director the Jamestown Housing Authority has asked if they could purchase those health benefits through the Town. Because any additional coverage can affect our general costs, this request was denied. The Town Administrator noted that this is a common state-wide problem for housing authorities.

It was moved by Councilor Kelly, seconded by Councilor Sutton to accept Bills and Payroll. So unanimously voted.

It was moved by Councilor Kelly, seconded by Councilor White to accept the minutes from the Jamestown Housing Authority. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

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

None

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

- 1) Town Administrator Report (verbal)
 - a) Budget Work Sessions (schedule to be determined)

The Town Administrator recommended holding budget work sessions later than usual in order to determine how the State decisions would affect the Town's budget. The following meeting schedule was developed by the consensus of the Council:

March 3, 2009	6:00 p.m.	School / Town Budget Work Session
March 30, 2009	6:00 p.m.	Budget Work Session
April 2, 2009	6:00 p.m.	Budget Work Session

Other work sessions would be scheduled as needed.

b) GZA Final Report

The Town Administrator reported that copies of the final report are available and are being reviewed by the Town Engineer, Michael Gray. The final report will be on the February 17, 2009 Town Council Agenda for Council review and comments.

2) Jamestown Tree Preservation and Protection Committee

The Council discussed the various issues covered in the letter from the Jamestown Tree Preservation and Protection Committee Chair James Rugh. The Town Administrator informed the Council that Michael Gray, Town Engineer, is working directly with the Tree Committee on the issues relating to the trimming or removal of trees on Town rights-of way.

Regarding the removal of the large oak tree in front of the Town Hall, the Council suggested that, if necessary, it be replaced by another hardwood tree rather than an evergreen.

The Town Administrator was asked to report back regarding the view shed across from the BankNewport.

PUBLIC HEARING

1) Proposed amendment to Article III Solid Waste Transfer and Recycling Center, Sec. 58-74 Enforcement of article, penalty (duly advertised in the Jamestown Press on January 22, 2009)

Council President DiGiando opened the public hearing on the proposed amendment to Article III Solid Waste Transfer and Recycling Center, Sec. 58-74 Enforcement of article, penalty at 7:35 p.m. and invited public comment. There being no public comment, Council President DiGiando asked for Council comments.

Councilor Kelly asked about the Town's ability to enforce the ordinance. The Town Administrator answered that with the relocation of the compost, which is where the medical debris was originally found, to the eastern portion of the former landfill, Harry will be approving loads that pass by the shed. There may be a need to establish specific hours of the day so that Harry is on duty. Until those improvements are made, that particular new location of the compost needs to be given additional consideration.

Councilor Kelly asked if this ordinance references only the transfer station. Councilor Kelly stated that this fine should be for any illegal dumping town-wide. The Town Solicitor noted that illegal dumping is addressed in a separate section of the Code of Ordinance.

Councilor Szepatowski asked how the Town can address individuals that are using the transfer station without a permit by allowing other permit holders to dump their trash. The Town Administrator stated that the proposed ordinance does not address that issue. However, the Council may wish to consider a “pay as you throw” practice, whereby residents would pay a particular amount for each bag of waste. The Town Administrator stated that once the budget is completed he would put this on the agenda for Council consideration.

Councilor Szepatowski suggested that all Town regulations should be reviewed for more standardized fines.

There being no further comment, it was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the proposed amendment to Article III Solid Waste Transfer and Recycling Center, Sec. 58-74 Enforcement of article, penalty, as presented. So unanimously voted.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) Letter from W. G. Boll re: flooding on driveway and lower front yard
In answer to Council questions, the Town Administrator noted that the Town Engineer has been by the site on several occasions and is looking into putting in a new catch basin and redoing the berm.

It was moved by Councilor Kelly, seconded by Councilor White to accept the communication from Mr. Boll. So unanimously voted.

2) Letter from Jamestown Yacht Club, Rob Lambert, AIA, re: fate of the
highway barn at Fort Wetherill
It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from the Jamestown Yacht Club. 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) Tree Preservation and Protection Committee Representative re: various tree related issues

There being no one present from the Tree Preservation and Protection Committee this item was passed on the agenda.

- 2) Non-scheduled request to address

Peter Vetter, East Shore Road, thanked the Council for passing the ordinance on construction noise. Mr. Vetter stated that the ordinance is not being enforced, mentioning three separate occasions when he called the police regarding a violation, with no work stoppage or fine being given. Mr. Vetter stated that the work site on East Shore Road is receiving deliveries at 4:30 a.m. In addition, Mr. Vetter stated that the subcontractors are acting independently of the contractor. Mr. Vetter also stated that the temporary building height is above the 35' allowed through the Zoning Ordinance and questioned the Building Inspector's interpretation of the code.

The Council discussed their intent when passing the ordinance, that being: to limit construction hours and reduce the inconvenience to neighboring properties. The Town Administrator was instructed to pass the concerns of Mr. Vetter on to the Chief of Police, noting that the ordinance should be followed. In addition, it was recommended that Mr. Vetter address any zoning concerns with the Zoning Board of Review.

There was additional Council discussion on the inconvenience of trash pick-up or oil deliveries vs. deliveries to a construction site.

William Munger, Cole Street, asked when the Council would accept public proposals for the use of Fort Getty.

Charlotte Zarlengo, Seaside Drive, stated that there has been a significant increase in the number of deer herds in the North end of the island. Ms. Zarlengo also expressed her concerns about the possibility of an increase in lyme disease because of the increased number of deer.

Council President DiGiando stated that he is waiting for a report from RIDEM regarding the deer herds on Jamestown.

Councilor Szepatowski stated that RIDEM is looking into conducting a study regarding the deer on Jamestown.

APPOINTMENTS AND RESIGNATIONS

- 1) Beavertail State Park Advisory Committee (One (1) vacancy with a three-year term ending December 31, 2011); duly advertised and interviews complete; if favorable appoint
 - a) Letter of Recommendation and Support
 - b) Letter of Interest
 - i) Linda Warner

- ii) Neil Blitz
- iii) Francis Sullivan

It was moved by Councilor Sutton, seconded by Councilor Kelly to reappoint Linda Warner to the Beavertail State Park Advisory Committee with a term ending date of December 31, 2011. So unanimously voted.

- 2) Library Board of Trustees (Three (3) vacancies with a three-year term ending December 31, 2011); duly advertised and interviews complete; if favorable appoint
 - a) Letters of Recommendation and Support
 - b) Letters Requesting Reappointment
 - i) Delia Klingbeil
 - ii) Jeff McDonough
 - iii) Katherine Wineberg
 - c) Letter of interest
 - i) Sue Maden

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to reappoint Delia Klingbeil, Jeff McDonough and Katherine Wineberg to the Library Board of Trustees, term ending December 31, 2011.

- 3) Tree Preservation and Protection Committee (One) (1) vacancy with a three-year term ending December 31, 2011); duly advertised and interviews complete; if favorable appoint
 - a) Letter of Recommendation and Support
 - b) Request for Reappointment
 - i) Emmet Turley (verbal)

Council President noted that Mr. Turley has not been interviewed as yet and therefore the appointment could not be made. The Town Clerk was instructed to schedule an interview for Mr. Turley.

UNFINISHED BUSINESS

- 1) Review of Boards, Commissions and Committees (no additional information at this time)

Nothing to report at this time.

NEW BUSINESS

- 1) Fort Wetherill Re-Use Plan (future use of former highway facility)

The Council discussed the process to be used in the consideration of a re-use plan for Fort Wetherill. The Council President polled Council members to establish criteria to be used in their consideration. The following ideas were considered:

- RFP to be advertised to solicit innovative uses for property
- Limit uses to low intensity
- Marine-dependent use
- Revenue generating use
- Combination of uses

- Partnership with State
- Long-term lease
- Renovations to be done by lessee with long-term lease
- Use to be consistent with Coastal regulations
- Possible division of property
- Financial commitment
- All plans must be in writing
- No consideration to restaurant type facility

The Town Administrator suggested using a two-step process; 1. Require submission of concept plans, and 2. Selection of concept plans to be reviewed. Individuals with plans selected by the Council for review would then be invited to make a formal presentation of a more detailed plan.

Councilor Sutton asked that the individuals who have already responded be asked to submit a three-page concept plan first.

It was the consensus of the Council that the 3.6 acres are not being considered for sale.

Robert Lambert, Conanicut Yacht Club, stated that they would be interested in partnering up with others in a plan for the future use of Fort Wetherill.

William Munger, Cole Street, stated that he is interested in the need for a deep water boat ramp. In addition, Mr. Munger stated that he needs an area for boat storage. Mr. Munger also indicated that he has ideas for the renovation of the structure at Fort Wetherill. Mr. Munger would be interested in partnering up with others or the Town in a plan for the future use of Fort Wetherill.

The Town Administrator was instructed to come back to the Council with the information for Council consideration.

2) **Holiday License Applications** *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.*

It was moved by Councilor Szepatowski, seconded by Councilor White to approve holiday licenses for the establishments as listed: So unanimously voted.

- a) Benjamin Thomas Gallery
dba: **Benjamin Thomas Gallery, 2 East Ferry Wharf**
- b) Conanicut Marine Services, Inc.
dba: **The Conanicut Store, 20 Narragansett Avenue**
- c) Deb's Beads / The Purple Door
dba: **Deb's Beads/The Purple Door, 47 Conanicus Avenue**
- d) Del's Lemonade & Refreshments, Inc.
dba: **Del's of Jamestown, (Mackerel Cove Beach, Fort Getty, Jamestown Shores Beach)**

- e) Gail Chase
dba: **Hodgkiss Farm, 305 North Road**
- f) Jamestown Boat Yard, Inc.
dba: **Jamestown Boat Yard, 60 Dumpling Drive**
- g) Jamestown Designs
dba: **Jamestown Designs, 17 Narragansett Avenue**
- h) New England Golf Course Management, Inc.
dba: **Jamestown Golf & Country Club aka Caddy Shack, 245 Conanicus Avenue, Lower**
- i) Jamestown Hardware, Inc.
dba: **Jamestown True Value Hardware, 5 Narragansett Avenue**
- j) Varsha, Inc.
dba: **Jamestown Wine & Spirits, 30 Southwest Avenue**
- k) TMT, Corp.
dba: **McQuade's Laundromat, 5 Clarke Street**
- l) TMT, Corp.
dba: **McQuade's Supermarket, 5 Clarke Street**
- m) Jamestown Restaurant Group, LLC
dba: **Narragansett Café, 25 Narragansett Avenue**
- n) Ocean Essence Spa and Therapeutic Massage, LLC
dba: **Ocean Essence Spa and Therapeutic Massage / Ocean Essence Spa, 123B Narragansett Avenue**
- o) Jian Sheng Ni
dba: **Peking Garden, 34 Narragansett Avenue**
- p) Slice of Heaven, Inc.
dba: **Slice of Heaven, 32 Narragansett Avenue**
- q) Varsha
dba: **Video Showcase, 28 Southwest Avenue**

3) **Peddler License Applications** *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.*

It was moved by Councilor Szepatowski, seconded by Councilor to approve the peddler licenses for the establishments as presented. So unanimously voted.

- a) Del's Lemonade & Refreshments, Inc.
dba: **Del's of Jamestown**, (Mackerel Cove Beach, Fort Getty, Jamestown Shores Beach)
- b) A. B. Munroe Dairy, Inc.
dba: **A. B. Munroe Dairy**, (Island-Wide)

4) **Trash Collector License Renewal Applications** *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.*

It was moved by Councilor Szepatowski, seconded by Councilor to approve the trash collector licenses for the establishments as presented. So unanimously voted.

- a) Allied Waste Services, 1080 Airport Road, Fall River, MA
- b) Island Rubbish Service, Inc., 8 Swinburne Street, Jamestown
- c) Waste Management of RI, Inc., 65 Halsey Street, Newport, RI

5) **Private Investigator License** *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.*

It was moved by Councilor Szepatowski, seconded by Councilor to approve the private investigator licenses for the individuals as presented. So unanimously voted.

- a) Ronald F. Lewis
dba: **R. F. Lewis Private Investigators, 139 Seaside Drive, Jamestown, Rib)**
- b) Malcolm Brown
dba: **South Shore Investigative Agency, 203 Seaside Drive, Jamestown**

6) **Exhibition License with Vendors Application** *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.*

- a) Conanicut Island Art Association, CIAA
Art Show “Water Colors Galore”
Jamestown Town Hall
February 19, 2009, 5:00 – 7:00 p.m.

It was moved by Councilor Szepatowski, seconded by Councilor to approve the exhibition license with vendors permit to Conanicut Island Art Association for their art show at the town hall on February 19, 2009 from 5 p.m. to 7 p.m.. So unanimously voted.

- b) Jamestown Teen Center (Debbie Tungett, Coordinator)
Teen Center One Year Anniversary Celebration
Recreation Center, 41 Conanicus Avenue
February 28, 2009, 3:00 – 9:00 p.m.

It was moved by Councilor Szepatowski, seconded by Councilor to approve the exhibition license with vendors permit to the Jamestown Teen Center for the Teen Center One Year Anniversary Celebration at the Recreation Center on February 28, 2009 from 3 p.m. to 9 p.m. So unanimously voted.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Szepatowski to adjourn the meeting at 8:45 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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