

## TOWN COUNCIL MEETING

April 20, 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 PM 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  
Lisa W. Bryer, Town Planner  
Justin Jobin, Town Scientist

### AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Bike Path Design Committee re: schematic location report PowerPoint presentation (per Councilor Sutton)

Councilor Sutton introduced the members of the Bike Path Design Committee.

Voting Members

Robert Sutton  
David Burnell  
Lisa Bryer  
Julie Kallfelz  
Nancy Logan  
Susan Plowden  
Kate Smith

Non-Voting Members

Bruce Keiser, Town Administrator  
Lambri Zerva, RIDOT Representative

Councilor Sutton reviewed the Council charge to the Bike Path Design Committee and the Purpose and Need Statement developed by the committee. Councilor Sutton provided the proposed schematic location for a bike path in Jamestown, as well as a video depicting the constraints on the North Road portion of the proposed path.

Councilor Sutton suggested that the next steps in developing the bike path would be:

- Discuss the bike path location with neighboring property owners and local organizations.
- Identify the potential organizational and financial elements.
- Develop construction sequence (East path/West path).
- Preliminary meetings with State regulatory agencies (CRMC, RIDEM, & RIDOT).

Councilor Sutton asked that the Council consider allowing the Bike Path Design Committee to continue their efforts for the location of a Bike Path in Jamestown.

- 2) Proclamation No. 09-007 May 3 through May 9, 2009 Teacher Appreciation Week

Councilor White read Proclamation No. 09-007 Commemorating Jamestown Teacher Appreciation Week.

It was moved by Councilor Szepatowski, seconded by Councilor White to adopt Proclamation No. 09-007 proclaiming May 3 through May 9, 2009 as Teacher appreciation week in Jamestown. So unanimously voted.

### **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 item #2 be removed from the Consent Agenda. It was moved by Councilor Szepatowski, seconded by Councilor White to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) March 2, 2009 (executive session)
  - b) March 31, 2009 (work session)
  - c) April 6, 2009 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Bike Path Design Committee (3/4/2009)
  - b) Jamestown Housing Authority (2/11/2009)
  - c) Jamestown Conservation Commission (1/20/2009)
  - d) Town Charter Review Committee (4/8/2009)
  - e) Jamestown Harbor Office (3/11/2009)
- 4) CRMC Notices:
  - a) Semi-Monthly Agenda, April 7, 2009 (rec'd April 6)
  - b) Notice of Re-Scheduling of Public Hearing
- 5) Zoning Board of Review abutter notification – for hearing April 28, 2009 at 7:00 p.m., Jamestown Town Hall
  - a) Application of Dutch Harbor, LLC whose property is located at 252 Narragansett Ave., and further identified as Tax Assessor's Plat 8, Lots 2, 463, & 597 for a special use permit under Article 82, Section 704 and a variance from Article 82, Section 302, Table 3-2(District Dimensional Regulations) requiring a thirty foot setback from the street. Three feet is provided. Article 82 Section 1200 requiring one additional parking space for the proposed use and

sixty-eight spaces for the existing marine, Article 82 Section 1202 requiring that parking shall be located in the real portion of the property. The above relief is requested in order to change the use of a non-conforming 10' x 15' storage shed to a snack shack selling prepared foods. Said property is located in a CW zone and contains 31,284 sq. ft.

- b) Application of Laurent Peltier, whose property is located on Hull St., and further identified as Tax Assessor's Plat 14, Lot 52 for a special use permit under Article 3, Section 82-314 (High ground water table and impervious layer overlay district) to construct a two-bedroom single-family dwelling. Said property is located in a R40 zone and contains 7,200 sq. ft.
  - c) Application of Joseph F. Dutra, Jr. Trustee, whose property is located at 9 Mt. Hope Ave., and further identified as Tax Assessor's Plat 8, Lot 866 for a variance from Article 3, Section 302 (District Dimensional Regulations) to construct an addition (garage), which will be 20' from the front property line at Mt. Hope instead of required 30'. Said property is located in a R20 zone and contains 21,822 sq. ft.
  - d) Application of Jack H. & Mary Brittain, whose property is located at 230 Conanicus Ave., and further identified as Tax Assessor's Plat 8, Lot 493 for a special use permit from Article 82, Section 301 (Table 3-1, I (3)) to allow the use of the presently existing building on the premises as a two-family dwelling. No physical alterations to existing buildings are requested. Said property is located in a R20 zone and contains 47,554 sq. ft.
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
    - a) Town of Burrillville re: opposition to House Bill 2009- H5123
    - b) City of Warwick re: support of Senate Bill 09-S0252 and House Bill 09-H5572 entitled "An Act Relating to Elections – Voting Districts and Officials"
  - 7) Abatements/Addenda of Taxes

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## 2) Bills and Payroll

Councilor Kelly asked if the Town is realizing any savings in solid waste tipping fees by increased efforts in recycling. The Town Administrator responded that the amount of solid waste being hauled to the Johnston landfill is declining. It is expected that the Town will be on or close to the budgeted cost. The Town Administrator also noted that the future Rhode Island goal for recycling is for each community to reach thirty-five percent (35%).

It was moved by Council Kelly, seconded by Councilor Sutton to approve bills and payroll. 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

TOWN HALL TREE REPORT

The Town Administrator reported that the following conclusion was reached by the Tree Warden and two independent arborists:

The tree located in the front of the town hall is structurally unsound, in poor health and should the major lateral or trunk fall it could damage vehicles on Narragansett Avenue and/or injure people in the street or on the sidewalk. From a public safety perspective these experts agree that this tree presents a serious public safety hazard. There are two options:

- removal of branches might extend the life of the tree another 5 years
- remove the tree and the stump would allow a replacement tree to be planted to the east of the tree

The report concluded that from a horticultural, aesthetic and public safety perspective the removal of the tree is the more desirable option with the recommendation made that this be done as soon as possible.

Recommended Replacement Tree

Yulan Magnolia (*Magnolia denudate*)

The Town Administrator explained that this tree grows to a height of thirty-five (35) feet. The proposed replacement tree has a diameter of five to six feet.

James Rugh, Tree Committee Chair, answered the Council questions regarding the replacement specimen.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the actions as recommended by the Town Administrator to replace the tree in the front of the town hall with a Yulan Magnolia tree. So unanimously voted.

2009-2010 FY BUDGET

It was the consensus of the Council that they meet on April 27, 2009 at 7:00 p.m. to review the budget for possible adoption; however, if necessary there would be time for an additional budget meeting prior to the May 1 deadline.

- 2) Jamestown Philomenian Library Board of Trustees re: additions to the Jamestown Town Charter

It was the consensus of the Council that the letter from the Jamestown Philomenian Library Board of Trustees regarding additions to the Jamestown Town Charter be

resubmitted at the May 4 Council meeting when the Charter amendments are to be considered.

3) Jamestown Harbor Commission re: wood pile pier touch and go addition  
Council President DiGiando asked that the diagram for the wood pile pier touch and go addition prepared by the Harbor Commission be submitted to the Council for their review.

It was the consensus of the Council that the diagram and plans for the wood pile pier be added to their request and put on the May 4 Council agenda for the Council's consideration.

4) Jamestown Conservation Commission re: proposed bike path plan  
It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from the Jamestown Conservation Commission concerning the proposed bike path plan. So unanimously voted.

### **PUBLIC HEARING**

None

### **ORDINANCES AND RESOLUTIONS**

1) Resolution No. 09-008 re: Flag Policy for the Town of Jamestown  
Councilor Sutton noted that the last paragraph third line should read "regional or local governmental entity is **not** permitted to display..."

The Council discussed concerns with adopting the draft resolution. The Town Solicitor stated that his first recommendation was for the Council not to adopt a resolution. However, he cautioned the Council that making a determination as to whether or not to display particular a flag could expose them to legal risks if there is no policy to defend.

The Council discussed the Town Solicitor's recommendation to refrain from adopting a formal policy.

Councilor Sutton asked if they could reconsider the request from the Armenian National Committee to fly their flag in the Council chambers. The Town Solicitor stated that if someone wishes to resubmit the request to the Council they could address it at another meeting.

It was moved by Councilor White, seconded by Councilor Szepatowski to adopt no flag policy. So unanimously voted.

### **COMMUNICATIONS AND PETITIONS**

- 1) Communication from Office of the Director, RIDEM re: Roadway Investment – Local Equity Aid Program (RI-LEAP) NOTICE OF FUNDING and Public Workshop 4/30/2009

The Town Administrator informed the Council that the workshop date has been changed to May 7, 2009. Following attendance at the workshop, the Town Administrator will report back to the Council.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from the Office of the Director, RIDEM re: Roadway Investment – Local Equity Aid Program. So unanimously voted.

- 2) Letter from Kathy Brownell re: support of the Animal Control Officer

It was moved by Councilor White, seconded by Councilor Sutton to accept the communication from Kathy Brownell. So unanimously voted.

- 3) Letter from Isabel Coyle re: support of the Animal Control Officer

It was moved by Councilor Sutton, seconded by Councilor White to accept the letter from Isabel Coyle. So unanimously voted.

- 4) Notice from East Bay Community Action Program re: fundraiser June 11, 2009

Councilor Szepatowski noted that the East Bay Community Action Program provides services to the Jamestown Teen Center.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the notice from the East Bay Community Action Program. So unanimously voted.

- 5) Invitation re: Aquidneck Island National Police Parade, Sunday, May 3, 2009

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the invitation regarding Aquidneck Island National Police Parade. So unanimously voted.

- 6) Questionnaire from Tetra Tech NUS, Inc. re: Five Year Review  
Questionnaire Installation Restoration Program, Naval Station Newport

The Town Administrator noted that he will do a staff review and report any feedback to the Council.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the questionnaire from Tetra Tech NUS, Inc. So unanimously voted.

- 7) Information from Rhode Island Economic Development Corporation (RIEDC) re: Rhode Island, Working Again

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the information from Rhode Island Economic Development Corporation (RIEDC). So unanimously voted.

Council President DiGiando requested that Jamestown's Representative Sav Rebecchi provide a report to the Town Council at the May 4 meeting.

8) **Communication from JEMS re: Memorandum of Understanding**

The Council discussed the present arrangements for reviewing and developing policies and procedures for both JEMS and the Jamestown Fire Department. Council President DiGiando noted that the Town Administrator continues to meet with representatives from JEMS, Fire Chief, Police Chief and the Council President to ensure that all aspects of public safety and emergency response measures are met within the Town of Jamestown.

Councilor Szepatowski asked that a public meeting be held with the Town Council and representatives from the emergency services so that residents can have their concerns addressed.

It was the consensus of the Council that the present process continues under the guidance of the Town Administrator and Council President.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from JEMS. So unanimously voted.

9) **Petition of Verizon/Narragansett Electric Company re: place one new joint pole (location show on attached plan); if favorable, for review of Public Works Director**

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the petition from Verizon / Narragansett Electric Company. 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) Applicant: Conanicut Island Art Association (CIAA)
- Event: Art Show Opening "Anywhere but Here"
- Date: April 23, 2009 at 5 p.m. to 7 p.m.
- Location: Jamestown Town Hall

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the exhibition license with vendors permit for the Conanicut Island Art Association for an art show opening at the Jamestown Town Hall on April 23, 2009 from 5:00 p.m. to 7:00 p.m. So unanimously voted.

2) **Exhibition License Application**

- a) Applicant: Stephen Cirillo
- Jamestown Cal Ripken Baseball
- Event: Parade
- Date: May 2, 2009 at 10 a.m. to 10:30 a.m.
- Location: Recreation Department to Narragansett Avenue to Lawn Avenue

It was moved by Councilor Szepatowski, seconded by Councilor White to accept and approve the exhibition license for the Jamestown Cal Ripken Baseball parade on May 2, 2009 from 10 a.m. to 10:30 a.m. So unanimously voted.

3) **One Day Peddler License Application**

- a) Applicant: Humane Society of Jamestown
- Date: May 25, 2009 at 8 a.m. to 5 p.m.
- Location: Bank of America Parking Lot
- Sales: cups, bags, cookbooks, t-shirts, note cards

Note: request to waive fee

It was moved by Councilor Szepatowski, seconded by Councilor White to issue the one day peddler license to the Humane Society of Jamestown to sell cups, bags, cookbooks, t-shirts and note cards and to waive the license fee. So unanimously voted.

### **OPEN FORUM**

- 1) Scheduled request to address
- 2) Non-scheduled request to address

William (Bucky) Brennan, Narragansett Avenue, asked that when considering the work on the touch and go wood pile pier expenditure as presented by the Harbor Commission, the Council consider the additional work needed at West Ferry. Mr. Brennan stated that the money would be better served for water access and parking at West Ferry.

Council President DiGiando stated that the Harbor Commission is assessing the needs of West Ferry.

Norma Willis, North Main Road, stated that she would like to see the town hall tree replaced with an elm tree.

Varoujan Karentz, Clarkes Village Lane, requested permission to display the Armenian Flag in the Council Chambers on April 24, 2009.

Councilor Szepatowski reported that there were a number of recent break-ins and suggested that residents remember to lock their doors.

Councilor Sutton reiterated that he would like to see a streetscape with large trees.

James Rugh, Tree Preservation and Protection Chair, noted that the Magnolia tree is a large specimen and does not require the space that an elm tree would.

### **APPOINTMENTS AND RESIGNATIONS**

- 1) Personnel Board
  - a) Letter of resignation (term ending 5/31/2009) from Jeffrey G. Hunter, Chair

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to accept the letter of resignation from Jeffrey G. Hunter. So unanimously voted.



The Council discussed the information regarding the lack of utilization of the Personnel Board. It was the consensus of the Council that the charge and function of the Personnel Board would be looked at as the Council continues their review of Boards, Commissions and Committees. The Clerk was instructed to schedule the continued review of Boards, Committee and Commissions to the May 18, 2009 Council meeting.

### **UNFINISHED BUSINESS**

- 1) FAST Lease
  - a) Memorandum regarding recommended changes
  - b) Map of lease area at Fort Getty

The Town Administrator reported that there are ongoing negotiations between the Town and Fast. Council President DiGiando requested that the FAST Lease be tabled until the time that it is ready to be reviewed by the Council.

- 2) Dutton v. Town of Jamestown re: settlement (per Town Solicitor)

The Town Solicitor informed the Council that the matter of Dutton v. Town of Jamestown has been remanded by Superior Court back to the Planning Commission for resolution following a Council decision on the acceptance of that certain portion of Holly Street.

### **NEW BUSINESS**

- 1) Public Safety re: update on emergency response, Fire and EMS (per Councilor Szepatowski)

Previously discussed.

- 2) One-Day License Fees re: review of the waiving of fees

The Council discussed the license fee structure for one-day events. The waiving of fees for not-for-profit organizations and the possibility of increasing fees for profit sales was also discussed.

A motion to exempt non-profit organizations was withdrawn. It was the consensus of the council that licensing fee structure and revenue from those fees be analyzed and brought back to the Council.

- 3) Teen Center Job Corp (per Councilor Szepatowski)

Councilor Szepatowski presented a new concept to assist Jamestown teens with minimum wage employment opportunities for the summer. The presentation entitled "Summer Jobs for Jamestown Teens" summarized the program being coordinated with the Teen Center staff, Chief Tighe, and Councilor Szepatowski. Teens will be required to fill out a job application that will indicate the type of work the teen would like. Teen Team Leaders will be chosen and paid from a \$10.00 resident fee charged on a one-time basis to residents using the teen program. The Jamestown Police will assist with the screening of employers to insure the safety of the teen workers. There will be "zero tolerance" for

any teen found drinking alcohol, smoking tobacco, or doing any type of illegal drugs. The teens must also volunteer for a community project.

Councilor Szepatowski noted that this project is endorsed by the Town Administrator and the Chief of Police. Chief Tighe has applied for stimulus funding for this project

- 4) Roadways
  - a) Acceptance of Holly Street as a public street (from western boundary of Summit Avenue to the western boundary of Prospect Avenue)

The Council reviewed the administrative subdivision plan entitled “The Town of Jamestown Plat 2, Lot 47 Holly Street” and dated January 12, 2009, and the April 14, 2009 memorandum from Michael Gray, Jamestown Public Works, indicating that the plan has received conditional approval from the Town Planner upon the acceptance by the Town Council as a public road.

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to approve the plan dated January 12, 2009 and stamped by the registered land surveyor on April 10, 2009 for the acceptance of Holly Street as a public road. So unanimously voted.

### **ADJOURNMENT**

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Sutton to adjourn the meeting at 9:00 p.m.

Attest:

Arlene D. Petit  
Town Clerk

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