

## **TOWN COUNCIL MEETING**

May 4, 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

Wyatt Brochu Assistant Town Solicitor

Arlene D. Petit, Town Clerk

Michael Gray, Town Engineer

Town Charter Committee members present:

David Long, Chair

Jerry McIntyre, Vice Chair

Susan Little

Sav Rebecchi

Michael Schnack

Robert Ullrich

Daniel Wright

Harbor Commission members present:

Rick Anderson

Robert Bowen

Susan Little

### **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 8 be removed from the Consent Agenda. It was moved by Councilor Szepatowski, seconded by Councilor Wright to accept

the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) April 6, 2009 (executive session)
  - b) April 20, 2009 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
  - a) Library Board of Trustees (3/3/2009)
  - b) Jamestown Zoning Board of Review (3/24/2009)
- 4) CRMC Notices:
  - a) Agenda re: Semi-Monthly Meeting 4/28/2009 (received 4/27/2009)
  - b) Notice of Re-Scheduling of Public Hearing re: proposed revisions to the RI Coastal Resources Management Program, section 300.17 – Wetland Walkover Structures to July 28, 2009
- 5) RIDOT Notices:
  - a) Notice of Re-Scheduling of Workshop re: Roadway Investment – Local Equity Aid Program (RI-LEAP) to May 7, 2009
- 6) State Planning Council Notice:
  - a) Notice of Public Hearing re: State Guide Plan 152; Ocean State Outdoors: Rhode Island’s Comprehensive Outdoor Recreation Plan (SCORP) on May 27, 2009
- 7) EPA: Local Landscape
- 8)

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2) Bills and Payroll

Councilor Kelly noted the refund for overpayment of property taxes and inquired into the status of property tax payments.

The Town Administrator stated that this is either an adjustment relating to an error on a tax bill or abatement on an assessment. Receipts for tax payments are on schedule.

Councilor Kelly asked for additional information regarding the expense listed under Harbor Management in the amount of \$9,672.

The Town Administrator noted that this is a payout from Harbor Enterprise Funds.

- 8) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Town of North Kingstown Resolution supporting the repeal of the Caruolo Act

Councilor Kelly asked for additional information on the Caruolo Act. The Town Administrator noted that the Caruolo Act allows for a School Committee or School Superintendent to proceed through the Court system to determine whether or not a school was being funded adequately by the City or Town Council. The amendment to this act states that the Court is not set up to make this determination, and therefore, would require a mediation panel be set up in lieu of the Courts.

Councilor Kelly asked that this be an agenda item on the May 18, 2009 Council meeting for further discussion.

It was moved by Councilor Kelly, seconded by Councilor White to approve item #2 and to accept item #8 on the Consent Agenda. So unanimously voted.

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It was moved by Councilor Kelly, seconded by Councilor White to move New Business item #6 up on the agenda. So unanimously voted.

### New Business

- 6) **Jamestown Town Charter re: proposed amendments for consideration**
    - a) **Recommendations from the Town Charter Review Committee**
- Council President DiGiando announced that the Town Council would be reviewing and discussing the recommendations made by the Town Charter Review Committee this evening. It is expected that a vote will be taken on the proposed amendments following public comment at the meeting on May 18, 2009.

Town Charter Review Committee Chair David Long presented an overview of the procedure followed by the committee when considering amendments to the Charter. The Council reviewed the proposed amendments, requesting clarification on several.

#### Sec. 210. Interference with administration.

The Council discussed the proposed changes to clarify and strengthen this language, and although in agreement with its intent, it was agreed that the Town Administrator was directly responsible for the supervision and direction of employees. However, Council members should be able to communicate with employees when gathering material or information. It was noted that the Town Clerk was the exception, as part of the responsibility of this position is to work directly with the Town Council.

#### Sec. 305. Powers and duties of the town administrator.

There was a lengthy discussion on whether or not the Town Administrator should have the authority to dismiss a department head without Council consideration or approval. Because one of the Town Administrator duties includes the recommendation to the Council for the appointment of any department head, it was felt that any discharge of a department head should also require Council approval.

Committee member Schnack indicated that the charter clearly states what the Town Administrator's responsibility is and what the Town Council's responsibility is.

#### Council terms.

Upon questioning whether the Committee considered extending term limits or staggering terms for Council members, Mr. Long indicated that it was discussed; however, no recommendation was made.

Financial town meeting.

A question arose as to whether the committee considered eliminating the Financial Town Meeting because of the small number of residents attending.

Sec. 405. Board of assessment review.

The need for a change in the wording “qualified elector and resident” to “qualified elector *or* resident” was questioned. It was clarified that a committee appointment would **cease** if either of the requirements for appointment were not met.

b) Library Board of Trustees request for amendments (as submitted at the April 20, 2009 Town Council meeting)

c) Jamestown Board of Canvassers request for amendment (off-year election)

Council President DiGiando noted the costs for off-year elections as presented by the Jamestown Board of Canvassers and their recommendation to change the local election to the state election cycle. Councilor DiGiando suggested that this be debated at a future date.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communications from the Library Board of Trustees and the Jamestown Board of Canvassers. So unanimously voted.

Council President DiGiando again noted that the proposed charter amendments would be on the May 18, 2009 Council meeting for public comment and action by the Council.

Council President DiGiando requested that the Town Solicitor review the recommended changes for any legal issues.

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It was moved by Councilor Szepatowski, seconded by Councilor White to move New Business items # 2 and 3 up on the agenda. So unanimously voted.

### New Business

2) Wood Pile Pier

The Town Engineer explained that the condition assessment report and revised estimate for the proposed pier extension alternative selected by the Harbor Commission includes the cost of the repairs to the wood pile pier and the construction of a new pier extension and touch and go float. Mr. Gray further explained that the costs for the floats were not included because they will be constructed by the Public Works Department.

In reviewing the entire project, Mr. Gray stated that the cost is estimated at \$340,000. This estimate includes both the permitting process and the engineering costs. However, if funding the project is an issue, Mr. Gray strongly recommended that necessary repairs be made to the pier.

Council President DiGiando mentioned that it is his understanding that the Harbor Commission has the funding available for this project as proposed.

The Council expressed concern that, as with other projects, there could be a chance that the project runs over budget.

William Munger, Conanicut Marine Services, stated that he still has some concerns with the project. Mr. Munger resubmitted a letter to the Council dated April 28, 2008 outlining those concerns.

There was some discussion regarding the use of composite decking; however, it was decided that it was not worth the extra costs associated with the use of it.

Susan Little, Harbor Commission member, stated that what the Harbor Commission is asking is that the Council approve of the plan so that they can move forward with the project.

Richard Anderson, Harbor Commission member, stated that once this project goes out to bid, it will come back to the Council for the awarding of the bid.

In answer to several Council questions, the Town Administrator noted that the project work could be completed in components:

1. Construction of the touch and go floats.
2. Repair and maintenance of the existing pier.
3. Repair and replacement of decking on an as needed basis.

The Town Administrator noted that, if necessary, the bid documents could be developed to outline each component.

It was moved by Councilor Kelly, seconded by Councilor White to approve the design for the wood pile pier as presented by the Town Engineer. So unanimously voted.

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- 3) Award of Bid
    - a) Police station renovation
      - i) Request for the conditional award of bid to Urbane Construction Corporation for an amount not to exceed \$454,900 based upon receiving additional funding at the Financial Town Meeting

Town Engineer Michael Gray informed the Council that the three lowest bidders on the “value engineering” alternatives to reduce costs for the police station renovations and addition project are still over budget. Mr. Gray recommended that the Town Council approve a conditional award to Urbane Construction Corporation for an amount not to exceed \$454,900, based upon receiving additional funding at the Financial Town Meeting on June 1, 2009.

Mr. Gray outlined the bid by Urban Construction Corporation as follows:

Base Bid Price	\$411,700
Alternate #1 (repaint existing walls, trim molding)	\$ 8,500
Alternate #2 (replace carpet)	\$ 3,000

Alternate #3 (replace vinyl flooring in hallways)	\$ 7,400
Alternate #4 (replace flat roof section)	\$ 22,000
Alternate #5 (replace laminate counters)	\$ 2,300
Total bid	\$454,900

In answer to Council questions and concerns, the Town Administrator explained that the entire project is priced at \$600,000. On June 2, 2008, the Council allocated \$400,000 for the police station project; however, the bids came in higher than expected. In order to complete the entire project as bid, it would be necessary for the Council to provide a resolution on the June 1 Financial Town Meeting Warrant allowing the expending of \$200,000 of the undesignated fund balance. The Town Administrator assured the Council that with the proposed renovations, mechanical corrections, and addition, the police station would serve the community for decades.

Mr. Gray clarified that the additional \$200,000 is for the expansion of the locker rooms, office furniture, architectural services, mechanical design, constructional services, and a five percent contingency.

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to award the bid to Urban Construction Corporation for the renovations and addition to the police station in an amount not to exceed \$454,900 contingent upon approval by voters to expend additional funds from the undesignated fund balance. So unanimously voted.

**The Council returned to the order of business as presented on the agenda.**

**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  
Council President DiGiando announced that there would be an executive session later in the meeting, pursuant to RIGL 42-46-5 (a) (5) real estate.

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

- 1) Town Administrator Report

To: Honorable Town Council  
From: Bruce R. Keiser, Town Administrator  
Date: May 4, 2009  
Subject: Town Administrator's Report

**H1N1 Flu Management**

Chief Tighe has participated in a teleconference with the Department of Health regarding the State's response to the potential outbreak of the H1N1 Flu in Rhode Island. The DOH has established communication channels, public health advisories and alerts, and

closure protocols should an outbreak occur. Locally, in concert with the closing of North Kingstown High School on April 30 and May 1, we shut down the Teen Center as well.

### **State Budget Action**

School Supt. Marcia Lukon and I met with Senate President Teresa Paiva-Weed on Wednesday, April 29<sup>th</sup> to discuss the bills before the General Assembly that may have an impact on Jamestown. Senator Paiva-Weed reported that the no action is expected on major budgetary legislation until the State Revenue Estimating Conference meets in mid-May. Issues under discussion that may adversely impact local revenues include establishment of a school aid formula and reduction of the motor vehicle reimbursement program. We will continue to monitor these and other bills before the legislature.

### **Watson Avenue Parking**

The opening of the Village Hearth Café on Friday, April 24<sup>th</sup> resulted in parking on both sides of Watson Avenue. Town parking regulations prohibit parking on the south side of the street; however, there are signs indicating the prohibition. To address the parking congestion, signs will be placed this week. I will also convene a Traffic Committee meeting to review parking issues on Watson Avenue.

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Additional Discussion:

#### Watson Avenue

It was the consensus of the Council that the reconstituted Traffic Commission reviews the Watson Avenue parking and report back to the Council.

#### 44 Southwest Avenue

The Town Administrator reported that the purchaser of 44 Southwest Avenue is not able to proceed with the purchase due to wetland and flood plane issues and the restrictions encountered because of artifacts found on the property.

#### 2) Finance Director's Report

It was moved by Councilor Sutton, seconded by Councilor White to accept the April 30, 2009 Finance Director's Report. So unanimously voted.

Councilor Kelly commented that Department Directors are making a good effort in keeping their expenditures in check.

The Town Administrator stated that there has been a reduction in the revenue that was expected. The Town Administrator was asked to provide the Council with a revenue update at the May 18, 2009 Council meeting.

## **PUBLIC HEARING**

None

## ORDINANCES AND RESOLUTIONS

None

## COMMUNICATIONS AND PETITIONS

- 1) Invitation from the Jamestown Historical Society re: Battery Day at Conanicut Battery Historic Park, Saturday, May 9

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the invitation from the Jamestown Historical Society. So unanimously voted.

- 2) Letter from State Representative Deborah Ruggiero re: in support of Council's opposition to House Bill 5122

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from State Representative Deborah Ruggiero. So unanimously voted.

- 3) Letter from Newport Convention & Visitor's Bureau re: expansion of the geographic market to include Bristol County (Bristol, Barrington, and Warren)

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from the Newport Convention & Visitor's Bureau. So unanimously voted.

- 4) Proposed Legislation H5787 re: taxpayer-funded seminar, workshop, etc.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the proposed legislation information. So unanimously voted.

- 5) Notice from Joseph R. Palumbo, Jr., Esq. re: Preliminary public hearing on Wednesday, May 20 at 7:30 p.m. for the VP Enterprises, LLC (Dutton) subdivision

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the Notice from Joseph R. Palumbo, Jr., Esq. 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) **Holiday License Renewal**
  - a) SeaDish, Ltd. d/b/a Tricia's Tropigrille  
14 Narragansett Avenue

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Holiday License for SeaDish, Ltd. d/b/a Tricia's Tropigrille. So unanimously voted.

- 2) **Exhibition License Application**
  - a) Applicant: Jamestown Historical Society  
Event: 2009 Battery Day  
Date: Saturday, May 9, 2009 at 1 p.m. to 3 p.m.  
Place: "The Battery"



It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Exhibition License for 2009 Battery Day at the Battery on May 9, 2009 from 2 p.m. to 3 p.m. with a rain date to be determined by the Town Administrator. So unanimously voted.

3) **Peddler License Applications**

- a) Memorandum from the Town Clerk
  - i) Applicant: Luca's Coffee & Ice Cream LLC
  - Address: 701 Boston Neck Rd., North Kingstown
  - Location: Island-wide ice cream truck
  - Hours: 9 a.m. to 8 p.m.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to issue a Peddler License to Luca's Coffee & Ice Cream LLC.

The Town Administrator stated that it has been the past practice of the Council not to allow mobile ice cream trucks going throughout the town because they are competitive to local business owners who have a set retail location.

The Council discussed concerns relating to the costs for businesses to locate in Jamestown and the small customer base for those businesses. In addition, there was concern raised regarding the safety of the children when running out to the ice cream truck.

It was also mentioned that when the owner of Spinnakers came before the Council, they were given specific locations to put their cart and not allowed to go throughout the Town.

The motion was voted five nays. The motion failed.

- ii) Applicant: Munafo, Inc; d/b/a Julie's
- Address: 18 Calvert Place, Jamestown
- Location: Mobile Snack Truck  
Mackeral Cove Beach Parking Lot,  
Fort Getty, Heads Beach, Taylor Point
- Hours: 11 a.m. to 5 p.m.

It was the consensus of the Council that they not consider issuing any mobile peddler licenses.

4) **Victualing License Applications**

- a) Applicant: Luca's Coffee & Ice Cream LLC
- Address: 701 Boston Neck Rd., North Kingstown
- Location: Island-wide ice cream truck
- Hours: 9 a.m. to 8 p.m.
- b) Applicant: Munafo, Inc; d/b/a Julie's
- Address: 18 Calvert Place, Jamestown
- Location: Mobile Snack Truck:  
Mackeral Cove Beach Parking Lot,  
Fort Getty, Heads Beach, Taylor Point

Hours: 11 a.m. to 5 p.m.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to deny the Victualing Licenses for Luca's Coffee & Ice Cream LLC and for Munafo, Inc., d/b/a Julies. So unanimously voted.

### OPEN FORUM

1) Scheduled request to address

a) Representative Deborah Ruggiero re: legislative update

Representative Ruggiero noted that once the Council has approved the Charter amendments, she would forward a Resolution for General Assembly approval.

Representative Ruggiero gave a verbal legislative update on pending legislation relating specifically to Jamestown. Representative Ruggiero informed the Council that she is supporting the stand taken by the Jamestown Town Council in their opposition to the Rhode Island Turnpike and Bridge Authority becoming a division of the Department of Transportation.

2) Non-scheduled request to address

Sav Rebecchi, Jamestown Liaison to the Quonset Development Corporation Board, stated that the Commission appointed to look at the economic development of the port at Quonset will also be looking at all Rhode Island ports. Mr. Rebecchi reported that the proposal to allow barges to bring containers to tenants has been withdrawn at this time. Mr. Rebecchi informed the Council that the National Oceanic and Atmospheric Administration will be docking the Okeanos Explorer, a 224 foot high research vessel. It is expected that the docking of this vessel will bring jobs to those that service it.

Council President DiGiando asked Mr. Rebecchi to come back to the Council with another report following the next meeting of the Quonset Development Corporation Board.

William Munger, Conanicut Marine Services, stated that the safety issues relating to the rod-reel fishing and boating uses has not been resolved. He stated that he is concerned with the third touch and go dock now being planned. Mr. Munger asked what was taking place to plan for the upcoming season.

Jill Anderson West Passage, stated that she would like to see terms limits for the Council change to over-lap on a staggered schedule with three year terms.

Rosemary Woodside, Skysail Court, asked how to change the format of the Financial Town Meeting. Ms. Woodside stated that people are intimidated by a voice vote and might vote differently if there was a different format. She asked if there was any way voting could be done on-line.

Steven Tiexiera, Howland Avenue, expressed his concern with the parking on Watson Avenue. Mr. Tiexiera asked when the Town would finish the paving on Holland Avenue,

as this was to be scheduled with the completion of the new water tower.

Arthur Christman, Windsor Street, asked when the Town would fix the paving on Clarke Street.

The Council discussed the present budgeted amount for street repairs; that being \$150,000. The Town Engineer explained that there is a priority list that is used in scheduling street repairs. Because of funding, the streets in poor condition or streets with safety concerns are prioritized.

The Council discussed the possibility of bonding for funds so that the street repair needs could be met. The Town Administrator stated that it was a possibility, but it would still be necessary to budget additional funds yearly for continued maintenance on the streets in order to keep them in better condition.

It was the consensus of the Council that they are provided with a list of streets requiring repairs.

#### **APPOINTMENTS AND RESIGNATIONS**

- 1) Tree Warden (term ending 3/31/2010)
  - a) Steven Saracino, Arborist
    - i) Recommendation of Tree Preservation and Protection Committee

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to reappoint Steven Saracino as the Tree Warden for Jamestown with a term ending 3/31/2010. So unanimously voted.

- 2) Affordable Housing (One (1) term ending 5/31/2009); duly advertised
  - a) Request for reappointment
    - i) Christopher Crawford

It was moved by Councilor White, seconded by Councilor Szepatowski to reappoint Christopher Crawford to the Affordable Housing Committee with a term ending 5/31/2012. So unanimously voted.

#### **UNFINISHED BUSINESS**

None

#### **NEW BUSINESS**

- 1) Role of Council and Public in the Budget Process (per Councilor Kelly)  
Councilor Kelly expressed his concern that the public was not participating in the presentations of the Town's operating budget. Councilor Kelly noted a significant difference between the turn out for School budget workshops as compared to the lack of turn out when discussing the Town side of the budget. As part of the discussion, it was

noted that there was also a small voter attendance at the Financial Town Meetings where the budget is presented to the community.

2) Wood Pile Pier Design  
Previously discussed.

- 3) Award of Bid
- a) Police station renovation
    - i) Request for the conditional award of bid to Urbane Construction Corporation for an amount not to exceed \$454,900 based upon receiving additional funding at the Financial Town Meeting

Previously discussed.

4) Jamestown Recreation Center re: plan and concept sketch for public restrooms with attached memorandum from the Town Administrator  
There was considerable discussion on the conceptual design drawings for the renovation and expansion of the exterior restrooms at the Recreation Center. The Council addressed the need for restrooms that are more easily cleaned and maintained than the present restroom. In reviewing the design, there was some discussion relating to the larger size of the facility. The Town Administrator stated that it was believed that with the expansion of the footprint of the restrooms and the east facing entrance designed for a more public access, there would be less of a chance for vandalism.

The Council discussed the cost of the facility and proposed funding. The Town Administrator stated that the cost estimate for the project is \$80,000 to \$90,000. The Town Administrator proposed that the town re-allocate available reserve funds from capital set-asides for prior year recreation center projects that are no longer necessary. The balance of the funding could be obtained from a combination of reserves in the recreation self-support fund and fundraising from downtown businesses.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the plan as designed by Ronald DiMauro for the downtown restrooms in accordance with the memorandum from the Town Administrator dated May 4, 2009 and to move forward with the project.

It was moved by Councilor Sutton, seconded by Council President DiGiando to also instruct the Recreation Department to simultaneously develop a plan to maintain and manage the operation of the restrooms.

The amended motion was unanimously voted.  
The main motion was unanimously voted.

5) Financial Town Meeting Warrant with attached memorandum from the Town Administrator  
Following a review by the Town Administrator of the warrant and resolutions, it was moved by Council President Sutton, seconded by Councilor Sutton to approve the

expenditures of \$716,114.00 from the Undesignated Fund Balance to be used for the pay-off of the fire apparatus lease, the police debt, and Department of Public Works equipment. So unanimously voted.

It was moved by Council President DiGiando, seconded by Councilor Szepatowski to approve the expenditure of \$200,000 for the police station renovations from the undesignated fund balance. So unanimously voted.

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Warrant and resolutions for the June 1, 2009 Financial Town Meeting. So unanimously voted.

- 6) Jamestown Town Charter re: proposed amendments for consideration
  - a) Recommendations from the Town Charter Review Committee
  - b) Library Board of Trustees request for amendments (as submitted at the April 20, 2009 Town Council meeting)
  - c) Jamestown Board of Canvassers request for amendment (off-year election)

Previously discussed.

### **EXECUTIVE SESSION**

It was moved by Council President DiGiando, seconded by Szepatowski to enter into executive session at 9:55 p.m. pursuant to RIGL 42-46-5 (a) (5) real estate. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

Upon the Council's return from executive session at 10:27 p.m. it was moved by Councilor Kelly, seconded by Councilor White to seal the executive session minutes from the public. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

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

### **ADJOURNMENT**

There being no further business before the Council, it was moved by Councilor White, seconded by Council President DiGiando to adjourn the regular meeting at 10:29 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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