

## TOWN COUNCIL MEETING

January 28, 2008

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall, 93 Narragansett Avenue 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  
Michael Gray, Town Engineer  
Justin P. Jobin, Environmental Scientist

Harbor Commission members present:

Michael de Angeli  
Robert Bowen  
Richard Anderson  
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 moved by Councilor White, seconded by Councilor Kelly to accept the Consent Agenda as presented. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) January 14, 2008 (regular session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Substance Abuse Prevention Task Force (12/12/2007)
  - b) Library Board of Trustees (12/04/2007)
  - c) Planning Commission (01/02/2008)

- 4) CRMC Notices:
  - a) Agenda, January 22, 2008
  - b) Public Notices:
    - i) Richard Eannarino, 716 East Shore Road (Plat 2 Lot 227) application for an assent to construct modification to an existing residential dock
    - ii) David Piccoli, 584 East Shore Road (Plat 2 lot 84) application for an assent to construct and maintain a residential boating facility
- 5) State Planning Council Notice:
  - a) Transportation Improvement Program (TIP) FY 2009-2012
- 6) Proclamations & Resolutions from other Rhode Island cities and towns:
  - a) Town of Exeter re: support of a resolution to provide long term health care, post combat job training, and a place to call home for deserving veterans
- 7) Abatements/Addenda of Taxes

### **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
  - a) highway facility

Michael Gray, Town Engineer, presented a slide presentation on some of the design elements being considered for the new highway facility to be located adjacent to the Wastewater Treatment Plant. The following examples were included in Mr. Gray's presentation:

- building façade
- roof line of garage
- roof line of office (one floor or two floors)
- footprint of building
- location of salt storage and proposed salt storage building

Mr. Gray noted that the Town will be working with Crossman Engineering on the site plan.

Mr. Gray asked for comments from the Council on the design of the building in order to prepare the proper Request for Proposals. Following are several concerns that were related to Mr. Gray:

- The design should consider the efficiency of operations.
- The bays should be divided into cold bays and heated bays.
- There should be no second floor over the office.

- A site plan for the use of the landfill should be included in the plans for the new highway facility.
- Materials to be used on the façade should provide a natural look to the building.

Mr. Gray informed the Council that he would return with a design to be presented to the Council for their consideration.

b) coyote management

The Town Administrator addressed the report on the Management of and Coexistence with Coyotes on Aquidneck and Conanicut Islands: A 10-Step Plan as prepared by Numi Mitchell, Ph.D., Lead Scientist for the Narragansett Bay Coyote Study.

It was the consensus of the Town Council that Dr. Mitchell provide a presentation regarding the coyote management plan for Jamestown at the February 25, 2008 Council meeting.

c) bicycle path

The Town Administrator informed the Council that RIDOT is considering the Jamestown portion of the bicycle path for the first phase of the project. The construction of the Jamestown portion is considerably less expensive than the original plan which was to begin the path in North Kingstown and across the Jamestown Bridge and, at this time has a better chance of state funding.

d) Conanicut Avenue repairs

The Town Administrator noted that RIDOT has awarded the bid for the repairs on the Conanicut Avenue seawall. It is expected that the repairs will begin by the end of March.

e) downtown improvements

The Town Administrator informed the Council that he is continuing to investigate the cost of burying the utility cables for the downtown improvements project. Recently he received an approximate quote of \$300.00 per linear foot.

f) budget schedule/forecast

The Council set a tentative budget work session schedule as follows:

March 4, 2008  
 March 18, 2008  
 March 25, 2008 (School budget)

g) tax lot map

The Town Administrator noted that there was a problem with producing the tax lot map. As soon as the map is prepared it will be added to a Council agenda.

2) Memorandum from the Planning Commission re: request to revisit the groundwater study proposal

The Council discussed at length the measures already taken to protect the island's water supply and it was felt that the value of this study in identifying the geologic and

hydrologic factors was not something that the Council wished to pursue with local funding; however, if there should be grant funding available for this type of project the Council would reconsider. In addition, the Council discussed the measures already taken to provide and protect the Jamestown water supply.

The Town Administrator offered that the study might provide an indication as to the location of problem areas. However, the Town Administrator noted that at the present time, there is not, nor is there expected to be a water shortage, considering the present and future conservation initiatives and wetland protection island-wide. Also noted was a previous study which provided necessary data.

It was the consensus of the Council that the Planning Commission be notified that the Council is not in favor of revisiting the groundwater study proposal.

It was the consensus of the Council that the Jamestown Arts District be put on the February 11, 2008 agenda for further discussion.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

None

## **COMMUNICATIONS AND PETITIONS**

- 1) Letter from Susan and Duncan Pendlebury re: rebate of taxes

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letter from Susan and Duncan Pendlebury. So unanimously voted.

- 2) GZA GeoEnvironmental, Inc. re: third quarter 2007 environmental monitoring report, former Jamestown landfill

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the GZA GeoEnvironmental, Inc. third quarter 2007 environmental monitoring report for the former Jamestown landfill. So unanimously voted.

Councilor Sutton asked that it be noted that the water under the landfill meets all drinking water standards in the State of Rhode Island.

## **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**
  - a) Conanicut Island Art Association (CIAA)  
Jamestown Town Hall  
Art Exhibit

January 31, 2008

6:30 PM – 8:30 PM

(catered by Trattoria Simpatico – holds liability insurance)

(each participant (exhibitor) signs hold harmless agreement)

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Exhibition License for the Conanicut Island Art Association (CIAA) to hold an art exhibit at the town hall on January 31, 2008 from 6:30 p.m. to 8:30 p.m. So unanimously voted.

### **OPEN FORUM**

1) Scheduled request to address

a) Representative Bruce J. Long

Representative Bruce Long provided the Council with a verbal legislative update.

2) Non-scheduled request to address

Susan Little, North Main Road, questioned several items relating to the proposed highway facility as presented by Town Engineer Michael Gray. In addition, Ms. Little asked who would be conducting the water rates study for the Town. Mr. Gray answered that B & E Consulting, LLC would be continuing as the consultant for the water rate study.

Ellen Winsor, East Shore Road, informed the Council that the Sole Source Aquifer hearing will be held at the Jamestown Library on February 13, 2008 and invited the Council and all interested parties.

### **APPOINTMENTS AND RESIGNATIONS**

None

### **UNFINISHED BUSINESS**

1) West Ferry Lease

The Town Administrator reviewed the proposed lease between the Dutch Harbor Boat Yard and the Town of Jamestown. Several areas of the lease were discussed. In particular were the term dates. The Council agreed on the following term:

The lease shall be for one (1) year, provided that the Lessee is not in default of the terms and conditions. The lease may be extended for one successive period of two (2) years, and then for one successive period of five (5) years. Any extension of the lease is upon the conditions that all terms and conditions are met.

The Town Administrator informed the Council that the base rent of \$12,500.00 has already been paid to the Town.

Other specific conditions discussed by the Council were as follows:

- At the Lessee’s request, boat storage will begin on September 22 and all boats will be removed from storage by June 14.
- Lessee (Robert and Barbara Patterson) will be responsible for the general grading and care of the wharf surface.
- Lessee shall pay to the Town one-half of the outhaul fees, with the lessee retaining all dingy fees.

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the lease between the Town of Jamestown and the Dutch Harbor Boat Yard for the West Ferry Lease.

There was continued discussion on terms and conditions of the lease. Councilor Sutton asked that particular dates be included in the lease for the lessee’s responsibilities under the “Care and Maintenance of Premises”. In particular, spring and fall should be further defined with a “no earlier than” and a “no later than” clause. The Town Solicitor suggested that the Council direct the Town Administrator to work with the lessee in further defining those dates. Mr. Ruggiero informed the Council that he has reviewed the terms and conditions of the lease and would support it with some minor revisions.

The motion, with the addition of further defining spring and fall, was passed unanimously.

2) Beavertail Lighthouse License

The Town Administrator noted that the license is for an eight (8) month term, expiring on September 30, 2008. In reviewing the license, the Town Administrator further noted that the Town of Jamestown is encouraged to enter into a cooperative agreement with the State and the Beavertail Lighthouse Museum Association (BLMA) to manage and restore the property.

The Council discussed the need for the lighthouse property to be properly maintained and protected from vandalism. Without a caretaker on the property, the Council did not believe that the property was properly protected.

It was the consensus of the Council that verbiage should be added to the license allowing for a caretaker.

It was moved by Councilor Sutton, seconded by Councilor White to authorize the Town Administrator to sign the eight (8) month licensing agreement with the United States Coast Guard adding the following amendment: *“nothing herein shall prohibit the Town of Jamestown from employing / assigning a caretaker to the facility during the terms of this lease for twenty-four hours per day.”* So unanimously voted.

3) East Ferry Wood Pile / Concrete Piers

a) resolution of uses

Council President DiGiando reviewed documents that he had previously submitted to Council members relating to the usage of space at the East Ferry wood pile pier. President DiGiando noted that several years ago the then sitting Council voted to install a

40' by 10' floating dock to the north-end of the wood pile pier to increase the ability of transient boaters to get to the dock; however, this was never done, and as yet there has not been a permanent resolution to the problem of fishing and boating on the pier. In question is the 307 foot wood pile pier (identifying commercial use vs. recreational boating/fishing use), of which 167 feet must be used for public outdoor recreation as determined by agreements between the Town and Federal and State agencies.

The Town Solicitor directed attention to the opinion of previous Town Solicitor, A. Lauriston Parks, dated October 24, 2005, in which he reviews the history of the wood pile pier and the documents that affect both the touch and go dock as well as the usage of the 307 feet of the wood pile pier. Mr. Ruggiero indicated that it is up to the Council to decide how to delineate the usage of the pier under the guidelines and restrictions currently in place.

There was discussion of perhaps constructing a "T" at the end of the wood pile pier to assist in the mixed use of the pier. Harbor Commission members added that although it could be done, it was costly and may not solve the boating vs. fishing problem. Commissioner de Angeli noted that the Harbor Commission will be conducting an underwater survey of the area and would look into the feasibility of an extension to the wood pile pier.

Commissioner Bowen indicated that the 40 feet of dock space reserved for the vessel Beavertail is taking up recreational space that could be used for fishing.

Some suggestions to alleviate the problem of the mixed use of the pier were as follows:

- designate the most eastern 40 feet of the north side as a fishing area
- add touch and go space
- extend the wood pile pier
- restrict fishing to 40 feet on the north side and 40 feet on the south side for fishing; arrangements to be negotiated with CMS
- identify the 80 feet of space for touch and go and identify the 80 feet of fishing space

It was moved by Council President DiGiando, seconded by Councilor Szeptowski to direct the Town Administrator to start identifying designated space for fishing on the wood pile pier that would be equal to 40 feet on either side or some combination thereof, as well as directing the Town Administrator to initiate actions to identify an additional 80 feet of touch and go floats on the wood pile pier where most appropriate. So unanimously voted.

b) infrastructure concerns

The "Care and Maintenance of Premises" of the lease with Conanicut Marine Services, Inc. and the Town was reviewed.

It was the consensus of the Council that the Town Administrator should be involved in the plans for the repairs.

There was a discussion of locating a public safety dock in the area of the old ferry dock.

It was the consensus of the Council that the Town Administrator would investigate the feasibility of creating a public safety dock.

### **NEW BUSINESS**

- 1) Proposed resolution to place a statewide open space bond issue on the November 2008 ballot (per Town Administrator and Councilor Szepatowski)

Ann Garnett informed the Council that the State bond money for open space is almost depleted and asked that the Council vote to adopt the submitted resolution.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to adopt the following resolution.

Town of Jamestown  
Town Council Resolution

WHEREAS, the Town of Jamestown recognizes the importance of open space to the character of our community and our quality of life and has continually sought to preserve and protect the valuable remaining open space of Conanicut Island; and

WHEREAS, in June 2002, the Town of Jamestown adopted the Comprehensive Community Plan which documents the Town's objectives for open space acquisition and preservation in a manner consistent with the State Guide Plan and approved by the State of Rhode Island; and

WHEREAS, in November 2004, the citizens of the Town of Jamestown overwhelmingly voted to approve a \$70 million State open space bond referendum for open space preservation, outdoor recreation facilities and Narragansett Bay restoration; and

WHEREAS, in September 2007, the citizens of the Town of Jamestown also overwhelmingly voted to approve a \$3 million Town of Jamestown farmland preservation bond referendum; and

WHEREAS, the Town of Jamestown actively sought farmland and open space acquisition funding from the State to protect important and threatened agricultural properties; and

WHEREAS, State Open Space Bond funds have enabled the Town to implement our adopted Comprehensive Community Plan, preserve our community character and enhance our quality of life by protecting open spaces and working historic farms; and

WHEREAS, RI Department of Environmental Management (RIDEM) funds for open space acquisition programs from the 2004 Bond are nearly exhausted;

NOW, THEREFORE, it is resolved that the Town of Jamestown supports the efforts of the State of Rhode Island to gain approval of a 2008 bond referendum for open space preservation and strongly urges the support of the Office of the Governor and the Rhode Island General Assembly to authorize this measure for the statewide ballot in November 2008; and it is further



RESOLVED that the Town of Jamestown recommends that the Rhode Island General Assembly authorize a 2008 bond referendum that will provide \$15 million for open space protection programs; and it is further

RESOLVED that the Town of Jamestown recommends to the voters of the Town of Jamestown and all voters statewide that they support the 2008 Open Space Bond initiative by voting in favor of the bond referendum in November 2008.

So unanimously voted.

### **ADJOURNMENT**

There being no further business before the Council, it was moved by Councilor Szepatowski, seconded by Councilor White to adjourn the meeting at 10:20 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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