

TOWN COUNCIL MEETING

February 25, 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

Robert W. Sutton, Jr.

Barbara A. Szepatowski (arrived at 7:10 p.m.)

absent: William A. Kelly

also present:

Bruce R. Keiser, Town Administrator

Peter D. Ruggiero, Town Solicitor

Arlene D. Petit, Town Clerk

Michael de Angeli, Harbor Commission Chair

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Numi Mitchell, Ph.D. re: Coyote Management Study

The Town Administrator informed the Council that Dr. Numi has requested that the coyote study be discussed at a work session.

It was the consensus of the Council that a work session be scheduled to discuss the coyote study and to invite Lori Gibson to present an update on deer management in Jamestown.

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 Sutton to accept the Consent Agenda as presented. So voted with three in favor. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) January 11, 2008 (work session)
 - b) January 28, 2008 (work session)
 - c) February 11, 2008 (regular session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Tax Assessment Board of Review (01/17/2008)
 - b) Jamestown Substance Abuse Prevention Task Force (01/16/2008)

- c) Jamestown Conservation Commission (12/11/2007, 01/08/2008)
- 4) CRMC Notices:
 - a) Notice of Public Hearing to change the management plans, policies, procedures and regulations of the agency regarding planning and management of the coastal resources of the State relative to Chapter 46-23; written comments due by March 17, 2008 for hearing on March 25, 2008
- 5) DEM Notices:
 - a) Preliminary determinations relative to the applicability of the Fresh Water Wetlands Act
 - i) Maureen Hanault Francoeur, 106 Orchard Meadows Dr. Smithfield re: property located at intersection of Frigate and Beacon Streets, utility pole no. 118; plat 16, lot 51 (insignificant alteration permit allowed)
 - b) Announcement of availability of draft document assessing quality of State's waters and listing of impaired waters – workshop Tuesday, March 4 from 3 to 5 p.m.
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Warren re: resolution in support of efforts to reduce global warming pollution
 - b) Burrillville
 - i) resolution in support of Senate Bill 2008-S 2037; An Act Relating to Public Utilities – Excavation Near Underground Utility Facilities – Costs
 - ii) resolution in support of Senate Bills 2008-S 2080 and S 2086 and House Bills 2008 – H 7058 and H 7067; the prohibition (except in the case of an emergency) of the use of a cell phone by a minor while said minor is operating a motor vehicle
 - iii) resolution requesting legislation amending §16-7-44 school housing project costs to allow interest payments to be included in project costs for communities with a stand-alone investment grade rating of at least “A”
- 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 (verbal)
The Town Administrator notified the Council that Burgin Lambert Architects received an honor award from the American Institute of Architects – RI for their adaptive reuse/renovation of the Jamestown Town Hall.

In answer to Councilor Sutton's inquiry as to what the next step would be now that the Council/staff goal setting work sessions have been completed, the Town Administrator stated that he will present a brief written narrative for the Council's review.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) A. Ralph Mollis, Secretary of State re: House Resolution 2008 – H 7063 “Lights out America”, March 29, 2008 between the hours of 7 – 8 p.m.
It was moved by Councilor Sutton, seconded by Councilor White to accept the legislation entitled “Lights out America”. So voted with three in favor.

2) Thank you letter from Nita Shah
It was moved by Councilor Sutton, seconded by Councilor White to accept the letter from Nita Shah. So voted with three in favor.

3) Request from Newport County Community Mental Health Center for increase in appropriation for FY 08-09 to \$7,028
It was moved by Councilor White, seconded by Councilor Sutton to accept the request from Newport County Community Mental Health Center and to refer the request to the budget work sessions. So voted with three in favor.

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.

It was the consensus of the Council to vote on the licenses by category, all subject to the resolution of debts, taxes and appropriate signatures.

- 1) **Holiday License Renewal Applications:**
 - a) Renewal applications:
 - AB Munroe Dairy, Inc. dba: AB Munroe Dairy; 151 North Brow Street, East Providence
 - Ace's Pizza, Inc. dba: Ace's Pizza; 1 Clarke Street
 - Alfred B. Bingell dba: House of Pizza; 23 Narragansett Avenue *Please see note by Fire Chief*
 - Alfred B. Bingell dba: Freddie Bing's Hotdog Thing; 23 Narragansett Avenue
 - Baker's Pharmacy of Jamestown, Inc. dba: Baker's Pharmacy; 53 Narragansett Avenue

- Conanicut Marine Services, Inc. dba: the Conanicut Store; 20 Narragansett Avenue
- Conanicut Yacht Club dba: Conanicut Yacht Club; 40 Bay View Drive
- Cumberland Farms, Inc. dba: Cumberland Farms Store #1108; 41 North Road
- Del's Lemonade & Refreshments, Inc. dba: Del's of Jamestown; 50 Saddlebrook Estates, East Greenwich
- Doriana Carella dba: the Village Hearth Bakery; 2 Watson Avenue
- DHBY, LLC dba: Dutch Harbor Boatyard, LLC: 252 Narragansett Avenue
- East Ferry Market, Ltd. (S-Corp) dba: East Ferry Markey & Deli; 47 Conanicus Avenue Units 1& 2
- Gail Chase dba: Hodgkiss Farm; 305 North Road
- Grapes & Gourmet, Inc. dba: Grapes & Gourmet; 9 Ferry Wharf
- Hina Enterprises, Inc. dba: Jamestown Mobil; 35 Narragansett Avenue
- IslanDish, Ltd. dba: Chopmist Charlies; 40 Narragansett Avenue
- Jamestown Boat Yard, Inc. dba: Jamestown Boat Yard; 60 Dumpling Drive
- Jamestown Designs dba: Jamestown Designs; 17 Narragansett Avenue
- Jamestown Hardware, Inc. dba: Jamestown True Value Hardware; 5 Narragansett Avenue
- Jamestown Oyster Bar, Inc. dba: Jamestown Oyster Bar; 22 Narragansett Avenue
- Jamestown Restaurant Group, LLC dba: Narragansett Café; 25 Narragansett Avenue
- Long Wharf Marina Restaurant, Inc. dba: Bay Voyage; 150 Conanicus Avenue
- Lucky Ridge Co., LLC dba: Spinnakers Café; 3 Ferry Wharf
- Lucky Ridge Co., LLC dba: Spinnakers Café (mobile unit); 3 Ferry Wharf
- New England Golf Course Management, Inc. dba: Jamestown Golf & Country Club aka: Caddy Shack; 245 Conanicus Avenue
- Portuguese American Citizens Club dba: Portuguese American Citizens Club; 11 Pemberton Avenue
- SeaDish, Ltd. dba: Tricia's Tropicrille; 14 Narragansett Avenue
- Slice of Heaven, Inc. dba: Slice of Heaven; 32 Narragansett Avenue
- TMT, Corp. dba: McQuade's Laundromat; 3 Clarke Street

- TMT, Corp. dba: McQuade's Supermarket; 3 Clarke Street
- Trattoria Simpatico, Inc. dba: Trattoria Simpatico; 13 Narragansett Avenue
- Varsha, Inc. dba: Jamestown Wine & Spirits; 30 Southwest Avenue
- Video Showcase, LLC dba: Video Showcase; 28 Southwest Avenue
- Zeek's Bait & Tackle, Inc. dba: Zeek's Bait & Tackle; 194 North Road

It was moved by Councilor White, seconded by Councilor Sutton to approve the license renewals as listed under **Holiday License Renewal Applications**. So voted with three in favor.

2) **Peddler License Renewal Applications:**

- a) Renewal applications:
- AB Munroe Dairy, Inc. dba: AB Munroe Dairy to peddle food and dairy island wide
 - Alfred B. Bingell dba: Freddie Bing's Hotdog Thing to peddle hotdogs, chips and drinks at East Ferry
 - Jennifer Talancy dba: Stearns Farms Organic Produce to peddle farm goods at East Ferry beach near beach wall
 - Del's Lemonade & Refreshments, Inc. dba: Del's of Jamestown to peddle lemonade at Mackerel Cove Beach, Ft. Getty, Jamestown Shores Beach
 - Lucky Ridge Co., LLC dba: Spinnaker's Café (mobile unit) to peddle ice cream and bottled beverages at East Ferry, Ft. Getty and Mackerel Cove beach parking lot

It was moved by Councilor Sutton, seconded by Councilor White to approve the license renewals as listed under **Peddler License Renewal Applications**. So voted with three in favor.

3) **Trash Collector's License Renewal Application:**

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

It was moved by Councilor Sutton, seconded by Councilor White to approve the license renewals as listed under **Trash Collector's License Renewal Applications**. So voted with three in favor.

Councilor Szepatowski arrived at 7:10 p.m.

4) **Private Investigator License Renewal Application:**

- a) Renewal application:
- South Shore Investigative Agency: Malcolm Brown
 - RF Lewis Private Investigators: Ronald F. Lewis

It was moved by Councilor Sutton, seconded by Councilor White to approve the license renewals as listed under **Private Investigator License Renewal Applications**. So voted with four in favor.

5) **One Day Exhibition License:**

- a) Save the Bay to hold the annual Save the Bay Swim on Saturday, July 26, 2008 from 6:00 – 11:00 am (fog date: Sunday, July 27th) at Taylor Point/Potters Cove. Applicant requests to waive \$5.00 peddler fee
- Letter from Kim Crawley from Save the Bay
 - Letter from William Piva, Parks and Recreation Director re: portable restrooms and trash receptacles

It was moved by Councilor White, seconded by Councilor Szepatowski to approve the One Day Exhibition License for Save the Bay to hold their annual Save the Bay Swim on Saturday, July 26, 2008 from 6:00 a.m. to 11:00 a.m., with a fog date of July 27, and to waive the peddler fee of \$5.00.

Prior to the Council's vote the following issues were discussed:

Community Costs

- local events – non-profit
- statewide events – non-profit

Because of the costs to the community for items such as police, public safety, porta-jons and clean-up the Council discussed the possibility of preparing a policy for charging an organization to hold a public function in Jamestown. They were mostly concerned with the events that attract and cater to a large number of participants.

Assessment of Events

All events previously held in Jamestown should be looked at to determine what local services have been used.

It was the consensus of the Council to review, as an agenda item, the need for a fixed fee or an actual cost fee for events.

Wendy Waller, representative from Save the Bay, informed the Council that all costs for police, porta-jons and trash removal for the annual swim have always been paid for by Save the Bay.

The motion was so voted with four in favor.

OPEN FORUM

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

Norma Willis, North Main Road, stated her concern with the number of employees that the Providence Journal reported for Jamestown and the cost for payroll. Ms. Willis stated the Journal reported the following information for Jamestown:

Employees	Population	Payroll
371	5,535	\$8,048,935

The Town Administrator noted that data does not accurately reflect the number of municipal employees. Mr. Keiser stated that the Town also hires seasonal staff that work anywhere from one day per year to two or three months per year. Mr. Keiser estimated that there are approximately 120 municipal / school employees in Jamestown.

Daniel Capuano, Cedar Lane, suggested that the Council find a way to capture rainfall in order to build up the town's reserve water supply.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Former Town Office Building – 44 Southwest Avenue (cont. from 02/19 Water / Sewer meeting)
 - a) Appraisal
 - b) Proposed Purchase and Sales Agreement (Church Community Housing)

The Town Administrator reported that he expects to receive the new appraisal on 44 Southwest Avenue by next week. He will be meeting with Church Community Housing and the Town Planner on Wednesday and will update the Council at the next meeting.

Councilor Sutton asked for information relating to archeological findings at the Southwest Avenue site. The Town Administrator noted that the proposed buyer is aware that the site must have an archeological study. Councilor Sutton stated that because of Federal and State funding for the affordable housing project at Southwest Avenue and because of the necessity to disturb the area with construction, it would be necessary to have both a Phase I and a Phase II Archeological Study.

The Town Solicitor noted that typically the buyer, as part of due diligence, would determine if there would be significant findings that would affect the development of the property. The Town Administrator stated that if there are significant findings, there is a clause in the Purchase and Sales Agreement that would allow them to terminate the sale.

Councilor Sutton suggested that there are other options, one being, to sell the property with the restriction that the building could not be moved and another, to relocate the affordable housing project to another area.

There was much discussion on the responsibility of the Town vs. buyer's responsibility. It was the consensus of the Council that the Town Administrator meet with all parties to determine the best way to proceed and to report back to the Town Council at the March 10, 2008 Council meeting.

3) Beavertail Lighthouse License (cont. from 02/11/2008)

The Town Administrator addressed the reply to the Town's proposed license agreement as submitted to the U. S. Coast Guard, requesting that the Town be allowed to provide a residential caretaker in the keeper's dwelling. Mr. Keiser noted that the Coast Guard stated that "the use of this property for residential purposes is outside the terms of the license. (and) ...shall not be authorized by the Coast Guard."

The Council discussed the need for a caretaker in order to provide proper security for the building. There was Council discussion on the best way to proceed in order to protect the property. It was noted that the Beavertail Lighthouse Museum Association (BLMA) has been active in the preservation of the lighthouse and has recently received a grant in the amount of \$250,000 for that purpose. It was also noted that RIDEM has shown an interest in the property.

The Council discussed the possibility of employing a single caretaker with specific duties to maintain and protect the property with access to the property 24/7. Councilor Sutton noted that it would be important that although the caretaker would have 24/7 access, the property would not be considered a residency address for the caretaker.

The Council discussed the possibility of the Town stepping out and allowing RIDEM and BLMA to partner for the control of the lighthouse property when it is surplus by the Coast Guard. It was thought that RIDEM could make a firm commitment to the BLMA for the management, preservation and protection of the property, and only if RIDEM steps out would the Town have the right to take over.

Councilor Szepatowski asked how relinquishing to RIDEM would affect hunting at Beavertail.

It was the consensus of the Council to instruct the Town Administrator to meet with all parties to ensure that a caretaker is immediately employed and to discuss future plans with RIDEM and BLMA for the property. The Town Administrator was instructed to report back to the Council at the March 10 Council meeting.

NEW BUSINESS

1) Harbor Commission

- a) request for Town Council authorization to proceed with retention of engineering services for East Ferry projects, including
 - i) wood pile pier survey to determine extent of repairs needed
 - ii) design for a touch and go dock addition to wood pile pier
 - iii) curbs and rails (East Ferry), project revision

The Council discussed the need for an engineering inspection and report to determine the repairs required at East Ferry with the specific information to be used for bid specifications. It was noted that the costs as outlined in the request were previously budgeted FY2006-2007.

Council President DiGiando reviewed each of the East Ferry projects being considered.

It was moved by Council President DiGiando, seconded by Councilor Szepatowski to authorize the expenditures of monies for the wood pile pier survey, construction specifications and plans; to design a touch and go dock addition; and to revisit the curbs and rails project at East Ferry, for an amount not to exceed \$21,700. It was voted with four in favor.

- b) request for Town Council consideration for funding additional engineering studies
 - i) wood pile pier extension, feasibility study
 - ii) Ft. Getty boat ramp and dredging project

Councilor Szepatowski stated that she would like to see the final Fort Getty Master Plan prior to authorizing a revision to the boat ramp and dredging project.

Council President DiGiando noted that funding for the wood pile pier extension is expected to cost in excess of \$150,000. The Harbor Commission has reported that they do not have funding for this project. Without funding the project cannot go forward; therefore, there is a question as to the necessity of the feasibility study at this time.

Harbor Commission Chair Michael de Angeli stated that the Ft. Getty boat ramp is not expected to be moved because of CRMC requirements. Therefore, this will not be affected by the Fort Getty Master Plan. Once the drawings are revised, and if funding is available, the project is ready to move forward.

It was moved by Councilor White, seconded by Councilor Szepatowski to approve the \$1,000.00 expenditure from Harbor funds for the revision of the Fort Getty boat ramp and dredging project plans. It was voted with four in favor.

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to put the wood pile pier extension feasibility study on hold. It was voted with four in favor.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Szepatowski, seconded by Councilor White to adjourn the meeting at 8:36 p.m. So voted with four in favor.

Attest:

Arlene D. Petit
Town Clerk

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