

TOWN COUNCIL MEETING
March 10, 2008

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall, 93 Narragansett Avenue at 7:01 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

absent: William A. Kelly

also present:

Bruce R. Keiser, Town Administrator
Peter D. Ruggiero, Town Solicitor
Arlene D. Petit, Town Clerk
Lisa Bryer, Town Planner arrived at 8:10 p.m.

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 #1 (a) and #3 (b) 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)
 - b) March 4, 2008 (work session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Zoning Board of Review (01/29/2008)
 - b)
 - c) Board of Canvassers (01/03/2008)
 - d) Buildings and Facilities Committee (11/27/2007)
 - e) Jamestown Housing Authority (12/18/2007, 01/09/2008)
- 4) CRMC Notices:

- a) Application for an assent to construct and maintain a residential boating facility located at 154 Racquet Road, Plat 9, Lot 327; David Fitzgerald, owner
- b) March 2008 Calendar
- 5) DEM Notices:
 - a) Project Priority List Request for Projects State Fiscal Year 2009
 - b) Workshop Notification; March 26, 2008
- 6) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) Burrillville re: list of resolutions in support of or in opposition of House and Senate bills
- 7) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) February 25, 2008 (regular session)

Councilor Sutton reviewed the motion relating to wood pile pier on page 9 of the minutes. The motion was acceptable as recorded by the Clerk.

- 3) Minutes from Boards, Commissions and Committees:
 - b) Planning Commission (01/16/2008)

Councilor Sutton addressed the minor subdivision with street creation as mentioned in the Planning Commission minutes on page 2. Councilor Sutton asked if the newly created street meets the standards and specifications for public streets. In addition, Councilor Sutton inquired as to who would be maintaining the street.

The Town Solicitor noted that the street was originally improperly located. If the request for the minor subdivision is approved, the Dutton's would relocate the street in the proper location.

There was general Council discussion relating to the standards and specifications for streets, as well as questions relating to the policy for creating and managing private streets vs. public streets.

It was the consensus of the Town Council to review the policy and procedure for creating streets and the standards and specifications for their construction at the first Town Council meeting in April 2008.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to accept the February 25, 2008 Town Council minutes and the January 16, 2008 Planning Commission minutes. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

None

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

- 1) Town Administrator Report (verbal)
 - a) Harbor boat repairs

The Town Administrator reported that the cost of repairs to the new harbor boat is still being disputed by the manufacturer. There is a meeting scheduled to discuss the analysis submitted by Dr. Gregory which states that the defects in the boat are the responsibility of the manufacturer and should be covered by the warranty. The Town Administrator will continue to report to the Council on the progress.

- b) Former town office building

The Town Administrator reported that the appraisal requested by the Town for 44 Southwest Avenue from Hogan Appraisal was just received. The appraised value of the property is \$540,000, which is \$115,000 higher than the appraisal received by Church Community Housing. The Town Administrator informed the Council that he will be discussing this at the next Water and Sewer meeting on March 17.

- c) Beavertail Lighthouse license

The Town Administrator reported that following meetings with RIDEM, U. S. Coast Guard, and the Beavertail Lighthouse Museum Association, and taking into consideration past discussions with the Town Council, the Coast Guard has suggested that the Town forward a letter specifically stating that the Town is looking to take a secondary roll to RIDEM on the license. This would remove the Town from the management of the lighthouse, but would allow for the Town to step in if RIDEM would no longer be involved.

Following a lengthy discussion on the immediate need for a caretaker, it was suggested that the Beavertail Lighthouse Museum Association be allowed to hire a caretaker with specific duties relating to the maintenance and protection of the property.

The Town Administrator noted that the Town Solicitor would review the possibility of the Beavertail Lighthouse Museum Association hiring a caretaker.

The Town Administrator announced that the budget work session planned for March 18 has been rescheduled to March 20 at 6:00 p.m.

The Town Administrator mentioned that he will be recommending William Piva for the permanent position of Recreation Director for Council authorization at the Water and Sewer meeting on March 17, 2008.

PUBLIC HEARING

(Requires a formal motion to open the public hearing to solicit public comment)

- 1) Proposed amendment to Chapter 26, Fire Prevention and Protection, Article I (duly advertised for hearing in the Jamestown Press on February 28, 2008)

It was moved by Councilor Szepatowski, seconded by Councilor White to open the public hearing on the proposed amendment to Article I, Chapter 26, Fire Prevention and Protection, Sections 26-2 – 26-4 at 7:21 p.m. So unanimously voted.

Susan Little, North Main Road, asked how the fee proceeds would be accounted for through the budget and if the fees could offset the \$15,000 salary of the Fire Marshal.

The Town Administrator stated that it was the intent that these collected fees also be used to replenish the Fire Prevention reserve fund which would in turn compensate the Assistant Deputy State Fire Marshal and provide funding for the fire prevention programs.

Sav Rebecchi, Sail Street, asked how a plan review is initiated.

Jamestown Fire Chief James Bryer noted that the plan request for changes in ownership, new homes or commercial buildings, comes from the homeowner or plan originator to the Fire Department.

Sav Rebecchi asked if he were to sell his home, would he be required to provide three sets of prints to the Fire Department.

Chief Bryer noted that three sets would not be required for home sales. The three sets would be required for new construction.

The Town Solicitor explained that when an individual takes out a building permit, they are directed to the Assistant Deputy State Fire Marshal with a set of plans to be reviewed for proper installation of fire monitors.

Ellen Winsor, East Shore Road, expressed her concern regarding the creative rights to plans and the need to submit them to the specific officials rather than the owner retaining their plans following the review process.

Susan Little, suggested that it is not necessary to submit the entire plan but only the floor plan.

Fire Marshal agreed that the complete set of plans is not needed. In addition, Mr. Bryer noted that once the plans are reviewed and installation complete, the plans could be returned to the owner.

The Town Administrator noted that ultimately a set of plans would remain with the Building Inspector, and as such, they would be on record and available for public review.

Sav Rebecchi asked how much revenue this proposed amendment might generate based on last years building permits.

The Town Administrator noted that there were 14 building permits issued last year on the residential side, also looking at commercial expansions and alterations, the expected revenue would be approximately \$20,000.

Susan Little asked what the charges were for an inspection on the change of ownership.

Chief Bryer stated that the cost for an inspection when there is a sale of property is \$30.00.

There being no further public input, it was moved by Council President DiGiando, seconded by Councilor Szepatowski to close the public portion of the hearing at 7:32 p.m. So unanimously voted.

The Council discussed the possibility of either reducing the number of sets required for plan review or allowing just the floor plans to be submitted. The Town Solicitor expressed some concerns as to the requirements under state law and to the needs of the building official.

Arthur Christman, Windsor Street, stated that it must be taken into consideration that plans sometimes change through the building process.

The Town Solicitor recommended reopening the hearing and continuing it to the next Town Council meeting.

It was moved by Councilor Szepatowski, seconded by Councilor White to reopen the public hearing on the proposed amendment to Article I, Chapter 26, Fire Prevention and Protection, Sections 26-2 – 26-4. So unanimously voted.

It was moved by Councilor Szepatowski, seconded by Councilor White to continue the public hearing on the proposed amendment to Article I, Chapter 26, Fire Prevention and Protection, Sections 26-2 – 26-4 to March 24, 2008. So unanimously voted.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from the Honorable Jack Reed, United States Senator re: Tree City recognition from the National Arbor Day Foundation

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from the Honorable Jack Reed. So unanimously voted.

- 2) Letter from Alexander Pichs, Managing Director of Wind-Smart re: consulting services

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from Wind-Smart Managing Director Alexander Pichs. So unanimously voted.

- 3) Invitation to 52nd Annual St. Patrick's Day Parade, Saturday, March 15, 2008 from Stephen C. Waluk, Mayor of the City of Newport

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the invitation from the Mayor of Newport. 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) One Day Peddler License Application

Quononoquott Garden Club

East Ferry

Saturday, May 17, 2008, rain date (May 18)

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the One Day Peddler License for the sale of items by the Quononoquott Garden Club at East Ferry on May 17 with a rain date of May 18 from 9:00 a.m. to Noon. So unanimously voted.

OPEN FORUM

1) Scheduled request to address

a) Representative Bruce J. Long re: legislative update

Representative Long gave a verbal legislative update to the Council.

2) Non-scheduled request to address

George Warner, Beavertail Lighthouse Museum Association Chair, asked for clarification regarding the status of the Beavertail Lighthouse license. Mr. Warner asked if the Town actually terminated the license agreement and if so, will the State take it over.

The Town Administrator stated that the Town is in the process of agreeing to the transfer of license to RIDEM with the Town retaining a secondary position. The Coast Guard has indicated that they would like the secondary position defined. Presently, the Town still holds the license.

Phil Willis, North Main Road expressed his concern with the following issues relating to the Town budget: (1) within two years the budget has increased by 10%; (2) with the cost-cutting by the state, the town should be considering cutting the budget; (3) this was not the time to reduce the retirement from 25 years to 20 years. Mr. Willis asked that the Council take a good look at the budget for cost cutting measures.

Ellen Winsor, East Shore Road, announced that letters in support of the sole source aquifer are still being accepted.

APPOINTMENTS AND RESIGNATIONS

1) Planning Commission

a) Notification of appointment as liaison to the Harbor Commission

It was moved by Councilor White, seconded by Councilor Szepatowski to accept the notification of liaison to the Harbor Commission. So unanimously voted.

- 2) Ambulance Compensation Commission
 - a) Letter of resignation from Mary Ann Joyce

It was moved by Councilor Szepatowski to accept the letter of resignation from Mary Ann Joyce. So unanimously voted.

UNFINISHED BUSINESS

- 1) Tax Free Arts District legislation (cont. from 2/11/2008)

The Council discussed the 2007 legislation as presented by Representative Long. Although in support of an arts district, there was some confusion as to whether this legislation would not only affect State Sales Tax but would also allow for a reduction in reported income tax liability. In addition, there was concern that the defining of the area to be considered the "tax free arts district" would not be in the purview of the Council.

Representative Long assured the Council that they would have the authority to create the district and the criteria through the adoption of a local ordinance.

It was the consensus of the Council that the Town Administrator and Town Solicitor review the legislation as it relates to the concerns of the Town Council and to bring it back for consideration at the next Town Council meeting on March 24, 2008.

NEW BUSINESS

- 1) Dedication of Town Council Chambers
 - a) Proposed inscription for plaque

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the wording on the plaque for the dedication of the Town Council Chambers in the name of Rosamond A. Tefft. So unanimously voted.

Councilor Sutton asked if there was no objection, that a letter is sent to John Doty recognizing his efforts in bringing this before the Council.

Lisa Bryer, Town Planner arrived at 8:10 p.m.

- 2) Expansion of Downtown Charrette, Zoning Ordinance Update and Design Guidelines Contract for \$5,000 to the firm of Donald Powers Architects for a total fee not to exceed \$98,000

The Town Planner informed the Council that as a result of the Charrette presentation, Xtra Mart and the Bank of America have expressed a desire to redevelop their sites to better serve the needs of the community. The Town Planner added that Environmental Packaging is planning an expansion of their site and has agreed to participate in the planning process as proposed by this request for the expansion of the downtown Charrette. The request for an additional \$5,000 is for the purpose of developing a Master Plan for the Narragansett Avenue block between Green Lane and Clinton Avenue.

In answer to Councilor Sutton's question, the Town Planner noted that Ronald DiMauro, the Town's architectural consultant for the Town will be included in the project.

Councilor Sutton commented that he hoped commission members would allow for owner's individual sense of style rather than getting so involved in just commission demands.

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to allow for the expansion of the Downtown Charrette, Zoning Ordinance Update and Design Guidelines Contract for \$5,000 to the firm of Donald Powers Architects for a total fee not to exceed \$98,000.

Prior to the Council vote, the Town Planner assured Councilor Sutton that the Master Plan would include conceptual plans, including elements for parking, elements for building, landscaping, circulation patterns and building elevations.

So unanimously voted.

ADJOURNMENT

There being no further business, it was moved by Councilor White, seconded by Councilor Szepatowski to adjourn the meeting at 8:25 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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