

TOWN COUNCIL MEETING
April 14, 2008
(Amended)

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.

absent: Barbara A. Szepatowski
William A. Kelly
Bruce R. Keiser, Town Administrator

also present: Thomas P. Tighe, Police Chief and Acting Town Administrator
Peter D. Ruggiero, Town Solicitor
Arlene D. Petit, Town Clerk

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

1) Arbor Day Proclamation No. 08-004
Councilor Sutton read Proclamation No. 08-004, proclaiming April 25, 2008 as Arbor Day in the Town of Jamestown.

It was moved by Councilor White, seconded by Councilor Sutton to adopt Proclamation No. 08-004. So unanimously voted.

The Arbor Day proclamation was presented to James Rugh, Tree Preservation and Protection Committee member.

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.

- 1) Application of Conanicut Marine Services re: Class G liquor license for permission to serve alcoholic beverages on the ferries of *the Jamestown* and *the MV Katherine* while dockside for thirty (30) minutes prior to departure and until departure, as stated in RIGL §3-7-15 (b).

Following a review of liquor licensing rules for a Class G Liquor License and being assured by the Clerk that all licenses are issued subject to the resolution of debts, taxes and appropriate signatures, it was moved by Councilor Sutton, seconded by Councilor White to approve the Class G Liquor License to Conanicut Marine Services for permission to serve alcoholic beverages on the ferries of the Jamestown and the MV Katherine while dockside for (30) minutes prior to departure and until departure, as stated in RIGL §3-7-15 (b). So unanimously voted.

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 6(a) be removed from the Consent Agenda. It was moved by Councilor White, seconded by Council President DiGiando to approve the Consent Agenda as amended. So unanimously voted.

The amended Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a)
 - b) March 25, 2008 (budget work session)
 - c) March 31, 2008 (budget work session)
 - d) April 7, 2008 (budget work session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Tax Assessment Board of Review (03/06/2008)
 - b) Jamestown Tree Preservation & Protection Committee (01/25/2008, 02/18/2008)
 - c) Jamestown Substance Abuse Prevention Task Force (03/13/2008)
 - d) Planning Commission (03/05/2008)
 - e) Zoning Board of Review (02/26/2008)
 - f) Tax Assessment Board of Review (03/27/2008)
 - g) Personnel Board Meeting (01/25/2008)
- 4) CRMC Notices:
 - a) Cease and Desist Order
 - i) William Berman, property located at Plat 9, Lot 357, 136 Southwest Avenue re: unauthorized cutting of buffer zone and coastal wetland vegetation, etc.
 - ii) George M. and Dominique V. Perrin, property located at Plat 13, Lot 37, 609 Beavertail Road re: unauthorized alteration of a freshwater wetland
 - b) Notice of Violation
 - i) Robert Paquette, Chief, RIDEM Division of Parks and Recreation,, property located at Fort Wetherill State Park, Plat 10, Lot 144 re: clearing of natural vegetation on a coastal feature without benefit of a CRMC assent
 - c) April 2008 Calendar
 - d) Semi-Monthly Meeting Agenda
- 5) Zoning Board of Review abutter notification:
 - a) Application of Robert & Meg Myles, whose property is located at 7 Felucca Ave., and further identified as Tax Assessor's Plat 16, Lot 163 for a variance from Article 3, Section 302, (District Dimensional Regulations) to add a second floor addition to an existing non-conforming structure which will be 2.6' from the northerly (side) lot line (20' being required) and 20' from the easterly (front) lot line (40' being required). Said property is located in a R40 zone and contains 28,800 sq. ft.

(Town of Jamestown as an abutter
Town Property: Plat 16, Lot 189)

- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a)
 - b) Town of Smithfield requesting cities and towns to adopt a comprehensive plan to reduce the State's global warming pollution
 - c) Town of South Kingstown in support of placing a \$15 million State Bond Referendum for Open Space Programs on the ballot for the General Election in November
 - d) Town of East Greenwich in support of House Bill H-7776, prohibiting language in collective bargaining agreements which contains language identifying a specific medical, dental or optometric medical insurance company
 - e) Town of Portsmouth supporting the passage of H-7108, An Act Relating to Labor Relations – Collective Bargaining
 - f) State of Rhode Island, Office of the Secretary of State, proclaiming May 18, 2008 as Neighbor Day
- 7) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) March 24, 2008 (regular session)

Councilor Sutton addressed the open forum portion of the March 24 Council meeting and stated that the minutes did not include additional comments made by Arthur Christman about the pumping station at North Road and Tashtassuc Road. Councilor Sutton noted that Mr. Christman stated what the original purpose was of the pumping station, as well as what the affect of the overflow was to the reservoirs.

Councilor Sutton added that he agrees the pumping station is not functioning the way it was sold to the Town of Jamestown relative to pumping into a wetland area and then going out into the bay. The overflow is going down the slope and into the South Reservoir creating the possibility of contamination.

It was the consensus of the Council that the storm drainage pumping station at the cross island highway be put on the April 28 Council agenda for further discussion and any necessary action.

- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Town of Burrillville in opposition to House Bill H-7448 , An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations

Councilor Sutton noted that House Bill H-7448 changes the definition of “owner” to exclude the state and municipalities for the purposes of liability limitations relating to the public use of private lands. Councilor Sutton stated that towns, cities, parks, recreation areas should incur no greater liability that that owed a trespasser. The original statute should not have been changed and Councilor Sutton recommended that the Jamestown Town Council vote to oppose the amendment.

It was moved by Councilor Sutton, seconded by Councilor White to forward a letter to the State legislators and the League of Cities and Towns notifying them that the Town of Jamestown is opposed to House Bill -7448, “An Act Relating to Parks and Recreational Areas – Public Use of Private Lands – Liability Limitations”. So unanimously voted.

It was moved by Councilor Sutton, seconded by Councilor White to accept 1(a) and 6(a) of the Consent Agenda. 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
 - a) Landfill closure update
 - b) Beavertail Lighthouse License update

Councilor Sutton stated that he ~~was at the meeting~~ spoke with Larry Mouradjian, Assistant Director of RIDEM, Natural Resources, George Warner, Chair of the Beavertail Lighthouse Museum Association (BLMA), the Town Administrator, and a representative of the Coast Guard. All parties are in agreement that RIDEM will become the licensee and that the BLMA will continue to operate the museum as a visitor and tourist center. However, because the license agreement can only be between the State and the Beavertail Lighthouse Museum Association, Councilor Sutton suggested that there be a Memorandum of Understanding that would explain the Town’s continued involvement with the planning and use of the Lighthouse and the Town’s intent to reacquire the license should RIDEM elect not to continue the relationship.

It was the consensus of the Council that this be brought to the Town Administrator’s attention and addressed at a future Council meeting.

- c) Bus Shelter at East Ferry

As background to the location of the bus shelter at East Ferry, Councilor Sutton explained that the bus shelter was placed in its present location to allow for passengers to be picked up and dropped off in an area outside of the traffic flow. In addition, consideration was given so that parking spaces would not be taken away from the East Ferry area.

The Council discussed the possibility of moving the bus stop to another area downtown, but could not come up with an area that would not interrupt the traffic flow or interfere with parking.

It was the consensus of the Council that the moving and rebuilding of a bus shelter should be further reviewed.

2) Finance Directors Report
No Council action taken.

3) Tax Assessment Board of Review re: hearings of appeals for fiscal year ended June 30, 2008
No Council action taken.

4) Town Clerk re: Wildlife Committee
It was the consensus of the Council to instruct the Clerk to hold advertising for vacancies on the Wildlife Committee and to set up a work session for the second meeting in May at 6:30 p.m. so the Council can review all Boards, Committees and Commissions.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) Copy of letter to ISDS Program from Joseph C. Gallo, PhD re: Plat 5, Lot 192, Neptune Street
It was moved by Councilor White, seconded by Councilor Sutton to accept the communication from Joseph C. Gallo. So unanimously voted.

It was noted by Council President DiGiando that RIDEM will be meeting in July with the Jamestown Town Council to discuss the ISDS program and cumulative impact.

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 Applications:**

- a) Renewal applications:
- Debsbeads/The Purple Door dba: same; 47 Conanicus Avenue

It was moved by Councilor Sutton, seconded by Councilor White to issue the Holiday License renewal to Debsbeads / The Purple Door at 47 Conanicus Avenue. So unanimously voted.

- Jian Sheng Ni dba: Peking Garden; 34 Narragansett Avenue

It was moved by Councilor Sutton, seconded by Councilor White to issue the Holiday License renewal to Jian Sheng Ni, dba Peking Garden at 34 Narragansett Avenue. So unanimously voted.

- b) Transfer applications:

- Lillian Bears dba: Video Showcase, LLC; 28 Southwest Avenue TRANSFER OF NAME to Varsha, Inc. dba: Video Showcase

It was moved by Councilor White, seconded by Councilor Sutton to allow the transfer of Holiday License to Varsha, Inc., dba Video Showcase from Lillian Bears, dba Video Showcase LLC. So unanimously voted.

2) **One Day Peddler License Application:**

- a) Application of the Humane Society of Jamestown to sell t-shirts, mugs, tote bags, etc. in front of Bank of America (permission from bank granted) during the Memorial Day Parade on May 26, 2008 from 9:00 am to 5:00 pm

It was moved by Councilor Sutton, seconded by Councilor White to issue a One Day Peddler License to the Humane Society of Jamestown to sell t-shirts, mugs, tote bags, etc. in front of Bank of America (permission from bank granted) during the Memorial Day Parade on May 26, 2008 from 9:00 am to 5:00 pm. So unanimously voted.

3) **Ft. Getty Entertainment License Application:**

- a) Application of the Chemical Company to have a band at the Ft. Getty pavilion on June 21, 2008 from 8:00 am to 10:00 pm. Insurance and approved pavilion application provided

It was moved by Councilor White, seconded by Councilor Sutton to issue an Entertainment License to Chemical Company to have a band at the Ft. Getty pavilion on June 21, 2008 from 8:00 am to 10:00 pm. So unanimously voted.

Councilor Sutton questioned if the Council is always informed when alcohol will be served at the pavilion and if extra police are required. Chief Tighe answered that the only time extra police are needed is for a public event or an event of large proportions. The Clerk stated that the license application requires an applicant to state whether or not there will be alcohol and if so, they must submit proper insurance certification.

OPEN FORUM

1) Scheduled request to address

- a) Representative Bruce J. Long re: verbal legislative update
Representative Long reviewed legislation presently being considered. In addition, Representative Long addressed a new House Bill that would protect the covenants and restrictions placed on Commerce Oil properties and would allow for continued maintenance of the ponds and dams located in the West Reach and East Passage developments.

Council President DiGiando stated that he was unfamiliar with the proposed legislation and was unable to comment on it.

It was the consensus of the Council that the Clerk forwards the proposed legislation to the Council for their review.

2) Non-scheduled request to address

Patrick Heaney, Newport resident and commercial lobsterman, informed the Council that his organization believes the pesticides being used by communities to control the mosquito population are entering the bay and inhibiting adult lobsters from molting. Pellets containing the pesticide Altosid or methoprene are put into catch basins that empty into Narragansett Bay. The Rhode Island Lobstermen's Association believes that the all efforts made to increase the lobster population are being adversely affected because the adult lobster and lobster larvae are exposed to these pesticides. Mr. Heaney asked that the Council ban the use of these chemicals in Jamestown.

It was the consensus of the Council to request input from the Public Works Director on the mosquito program in Jamestown and to put this on the agenda for the April 28 Council meeting.

James Rugh, America Way, addressed the proposed legislation excluding covenants and / or restrictions that were initially created by the Commerce Oil Refining Corporation with respect to land in the town of Jamestown from expiring within a thirty-year time limit. Mr. Rugh stated that the covenants passed in 1978, allow for the East Passage Association (97 deeded landowners to the ponds and dams located in East Passage) to assess funds to maintain the dams and ponds within the East Passage subdivision. The Association is charged with the inspection and maintenance of these ponds and dams. The proposed legislation would guarantee that the covenants and restrictions would remain in effect. Mr. Rugh noted that the cost of the maintenance and inspection is expected to be approximately \$12,000.

Councilor Sutton suggested that the Association contact the Army Corps of Engineers to determine the classification of the dams to ensure that they require the type of inspection quoted.

Jill Anderson, West Passage, presented a copy of the proposed legislation to the Council and reiterated Mr. Rugh's comments.

It was the consensus of the Council that the proposed legislation be reviewed at the April 28 Council meeting.

Councilor Sutton read a prepared statement regarding the 2008/09 School Budget and his concerns about the budget providing funding for additional senior administrative positions in the school department and the direction of the restructured school organization.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Emergency Medical Services Compensation Committee* (two vacancies; JEMS representatives, (1) term ending 05/31/2011 and (1) term ending 05/31/2009)
 - a) Letter requesting reappointment for the term ending 05/31/2011
 - i) Agnes Cotter Filkins

It was moved by Councilor White, seconded by Councilor Sutton to reappoint Agnes Cotter Filkins to the Jamestown Emergency Medical Services Compensation Committee for a term ending May 31, 2011. So unanimously voted.

- b) Letter requesting appointment (term ending 05/31/2009)
Rick Hodges

It was moved by Councilor White, seconded by Councilor Sutton to appoint Rick Hodges to the Jamestown Emergency Medical Services Compensation Committee for a term ending May 31, 2009. So unanimously voted.

*Name change adopted by the Town Council on June 1, 2005

UNFINISHED BUSINESS

- 1) Proposed legislation re: Jamestown Arts District (continued from 2/11/2008)

It was moved by Councilor White, seconded by Councilor Sutton to recommend favorable action by the General Assembly on the amendments to Chapter 30 of Title 44 of the Rhode Island General Laws at Section 1.1 to authorize the Town Council to consider the establishment of an Arts District and to delete any and all references in the legislation to any exemption from personal income taxes for individuals located in any Arts District that may be established by the Jamestown Town Council. So unanimously voted.

NEW BUSINESS

None

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Sutton 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