

TOWN COUNCIL MEETING

April 30, 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
William A. Kelly

also present:

Bruce R. Keiser, Town Administrator
Wyatt Brochu, Assistant Town Solicitor
Arlene D. Petit, Town Clerk
Catherine Kaiser, School Committee Chair
William Brennan, School Committee
Julia Held, School Committee
Julie Kallfelz, School Committee

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

1) Proclamation No. 08-005 re: Teacher Appreciation Week
Proclamation No. 08-005 honoring the Jamestown Teaching Staff was read by Councilor White.

It was moved by Councilor White, seconded by Councilor Kelly to adopt Proclamation No. 08-005 in recognition of Teacher Appreciation Week. So unanimously voted.

2) Proclamation No. 08-006 re: honoring Sergeant William J. Piva, Jr.,
retired
Council President DiGiando noted that the proclamation honoring Sergeant William J. Piva, Jr. was read and presented to Sergeant Piva at a gathering held in his honor on April 19, 2008.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt Proclamation No. 08-006 honoring Sergeant William J. Piva, Jr. So unanimously voted.

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 item #1 (a) be removed from the Consent Agenda. It was moved by Councilor Kelly, 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)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Planning Commission (03/19/2008)
 - b) Conservation Commission (02/12/2008, 03/11/2008)
 - c) Library Board of Trustees (03/04/2008)
 - d) Jamestown Housing Authority (03/12/2008)
- 4) CRMC Notices:
 - a) Statement of Limitations re: Town of Jamestown; Plat 7, Lot 1; DPW Garage and improvements
 - b) Revised Public Notice re: application of John P. Somyk; for property located at 401 Seaside Drive, Plat 16, Lot 232; to construct a residential boating facility
 - c) Amended Agenda April 22, 2008
- 5) Other Notices:
 - a) Division of Planning, Statewide Planning Program re: Notice of Available Publication – Mapping Potential Sites Suitable for Higher Density Residential Development
 - b) Department of Health re: Proposed Rules and Regulations Pertaining to Cigarette Fire Safety Standards
- 6) Zoning Board of Review abutter notification
 - a) Notice of Meeting Cancellation – April 22, 2008
- 7) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) City of Newport opposing the use of toxic chemicals in the mosquito abatement program
 - b) Town of Westerly supporting House Bill 2008 – H7108 relating to Labor Relations – Collective Bargaining and House Bill 2008 – H7776 relating to Labor and Labor Relations – Health and Welfare Funds – Pension Plans
- 8) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) April 14, 2008 (regular session)

Councilor Sutton asked that the minutes be corrected.

Page 4, 1 (b): Councilor Sutton noted that he did not meet with Mr. Mouradjian, but did speak with him. The minutes are to be amended as follows:

Councilor Sutton stated that he ~~was at a meeting~~ spoke with Larry Mouradjian....

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to approve the April 14, 2008 minutes as amended. So unanimously voted.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to move the scheduled portion of Open Forum up on the agenda to accommodate Representative Long's schedule. So unanimously voted.

Open Forum

- 1) Scheduled request to address
 - a) Representative Bruce J. Long, verbal legislative updateRepresentative Long gave a verbal update to the Council on pending legislation and the State budget.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to move the consideration of the 2008/2009 Town budget up on the agenda. So unanimously voted.

New Business

- 1) FY2008/2009 Town Budget; if favorable, motion for adoption
Prior to the Council considering the budget as previously presented, the Town Administrator recommended the following changes:
 - The Town Administrator noted that due to an increase in the cost of fuel, the budget for Town buildings has an additional \$10,000 included, bringing that line item to \$45,000.
 - Also noted by the Town Administrator is the elimination of \$2,500 in the police budget for the patrol boat. The boat requires a new outboard engine and will not be in service this year.
 - The Town Administrator also addressed the memorandum to the Council from the School Committee regarding the School Committee's recommendation to transfer \$168,180 of the school's unreserved fund balance to the Town budget for the purpose of assisting in the costs of the implementation of the Best Land Use Plan for the School Grounds and Neighborhood. This initiative would be presented to the electors for their consideration as a resolution at the Financial Town Meeting, and if not approved, the funding would be returned to the School budget.
 - Another recommendation made by the Town Administrator was to increase the town budget by \$40,000 to address the concerns that the Town Engineer has previously expressed regarding the entrance road to the transfer station. The funds would be used to improve the fencing, drainage and reconstruction of the deteriorated road at the transfer station.

The Town Administrator noted that the added budgetary costs would add an additional \$.02 to the previously considered tax rate; or, at preliminary tax rate from \$8.09 to \$8.11 per \$1,000 valuation.

The Town Administrator presented the 2008/2009 budget with the above-mentioned adjustments:

Town General Fund Budget \$8,466,312.00 (includes additional \$40,000 for road improvement)
School Budget \$12,264,907.00

Total Town & School Budget \$20,731,219.00

Preliminary Tax Rate \$8.11

Prior to any discussion on the budget, Council President DiGiando called for a motion to approve or reject the budget as presented.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to approve the 2008/2009 budget as presented.

The Council supported the proposed changes as recommended by the Town Administrator. There was much discussion on the school budget, with Councilor Sutton strongly expressing his concern as to the direction being taken by the School Committee's increase in the administrative side of the school budget, and Councilor Kelly asking that the need for smaller class sizes be evaluated by an outside source ensuring that the classes are efficiently structured. Councilor Kelly also suggested that the economical benefits of an offsite Middle School may need to be considered.

School Committee Chair Catherine Kaiser read a portion of an editorial statement prepared for the Jamestown Press as an answer to some concerns previously addressed by Councilor Sutton.

Council President DiGiando reviewed the proposed budget being considered by the Council.

It was moved by Councilor Kelly, seconded by Councilor Sutton that the Town Budget and the School Budget be voted on separately. The vote was Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, nay; Council President DiGiando, nay. The amendment to the main motion failed.

The main motion to approve the total Town and School Budget as presented was voted Councilor Kelly; aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando, aye. The main motion passed unanimously.

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 Barn

The Town Administrator reported that each of the five bid proposals for the construction of the highway facility exceeded the \$1,500,000.00 bonding limit approved by voters in August 2007. The Town Administrator informed the Council that the Public Works Director, Town Engineer and he would look for cost saving measures and request a resubmission of quotes. It is expected that the request for bid approval will be on the Board of Water and Sewer Commission meeting of May 19, 2008.

b) Landfill Closure

The Town Administrator reported that he will schedule a presentation on the landfill closure remediation design and cost for the May 12, 2008 Council meeting.

c) Health Care

The Town Administrator reported that he is working with the Finance Director and the School Superintendent to determine if there would be a financial benefit to the Town in purchasing health insurance through collaboration with East Bay communities. Upon completion of a financial analysis, the Town Administrator stated he would report back to the Council.

d) Recycling

The Town Administrator noted that he is working with Rhode Island Resource Recovery to reduce the excess tipping costs to Jamestown by arranging a work session in May to provide the community with ways to increase our recycling options.

Additional items discussed with the Town Administrator:

Goal Setting Report

The Town Administrator informed the Council that he expects to present the goal setting report to the Council at the May 12, 2008 Council agenda.

Proposed Trail near the Water Treatment Plant

Councilor Sutton stated that there is concern that the fence at the Water Treatment Plant is too close to the road and asked that plans be made to move it back toward the facility.

2) Town Clerk

a) Notice of May 12, 2008 Work Session re: Animal Shelter (per Councilor Szepatowski)

No action taken.

b) November 4, 2008 – Election Day re: local questions

No action taken.

3) Tree Preservation and Protection Committee

a) Annual report to Council

Council members commended the Tree Preservation and Protection Committee for their comprehensive report to the Council.

It was moved by Councilor Sutton, seconded by Councilor White to accept the Annual Report from the Tree Preservation and Protection Committee. So unanimously voted.

4) Jamestown Conservation Commission re: Proposed Trail, Parking and Observation Platform

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to accept the report from the Jamestown Conservation Commission. So unanimously voted.

PUBLIC HEARING

1) Proposed Amendment to the Code of Ordinances, Chapter 70, Traffic and Vehicles, Section 87; duly advertised on April 17 in the Jamestown Press

a) Letter from Michael Lichtenstein in opposition to proposed amendment and recommendation for change

Council President DiGiando noted that due to the change in meeting dates and advertising requirements, the public hearing on the proposed amendments to the Code of Ordinance has been rescheduled. The new date will be advertised in the Jamestown Press.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) Letter from Michael P. Lewis, Director, RIDOT re: Conanicut Island Greenway Trail System

The Town Administrator noted that the letter from the Director of RIDOT is in answer to the Council's request to segregate the North Road portion of the Greenway Trail System – Route 138 Bicycle Route project to move it up on the RIDOT's agenda for immediate consideration, in order to accommodate and coordinate the bicycle/pedestrian plan submitted by the Town Planner and Rolling Agenda.

The Council expressed their disappointment in being informed by RIDOT that it would not be possible to implement the requested improvements to accommodate a bicycle/pedestrian path at this time, and instead, RIDOT stated they installed four "Share the Road" signs on North Road.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to accept the communication from Michael P. Lewis, Director of RIDOT. So unanimously voted.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to reiterate to RIDOT that the Town is very interested that the State move forward with the planning,

design and construction specifications for the bicycle way from Route 138, south to the village.

Councilor Kelly suggested that a strong letter be forwarded to RIDOT in support of this project and signed by the Town Council President; as well as requesting that the Town's State Legislatures work in support of such projects.

So unanimously voted.

- b) Letter from Rolling Agenda re: Request for a change to the route

The Council discussed the proposed route change as proposed by the Town Planner; that being, the route would continue along North Road, over the Creek up to Arnold Avenue, thereby providing a more direct bicycle/pedestrian connection between the major north end population base in the Jamestown Shores and the downtown area, including schools.

- 2) Notice of Preliminary Public Hearing with Jamestown Planning Commission re: re-subdivide Lots 61 and 244 on Tax Assessor's Plat 1
It was moved by Councilor Szepatowski, seconded by Councilor Sutton to accept the notice from the Planning Commission. So unanimously voted.

Councilor Sutton asked that the Town Administrator schedule a meeting to discuss both public and private roads in Jamestown. Councilor Sutton stated that there should be a clear understanding about approving private roads.

The Town Administrator noted that he would consult with the Town Planner and schedule a work session in May.

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(s):
 - a) Application of the Jamestown Historical Society to sell books, hats, tiles and DVD's outside the Jamestown Press building, 42 Narragansett Avenue on Monday, May 26, 2008 from 10:00 am to 1:00 pm
- 2) Ft. Getty Pavilion One Day Entertainment License(s):
 - a) Application of Megan Martin to have a DJ on Saturday, June 28, 2008 from 5:00 to 10:00 pm. (*insurance policy will be required*)
- 3) Entertainment License(s):
 - a) Application of the Jamestown PTO to have a DJ at the Jamestown County Club, 245 Conanicus Avenue on Saturday, June 14, 2008 from 3:30 to 8:00 pm

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve of the license applications as listed on the agenda. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce J. Long, verbal legislative update

Previously discussed.

- 2) Non-scheduled request to address
Sav Rebecchi, Sail Street, reminded the Council that it was time for the Council to appoint a Charter Review Committee, pursuant to the specific section in the Charter as adopted in 2002. (Clerk note: Section 1201 ...not longer than six years from the previous review.)

APPOINTMENTS AND RESIGNATIONS

- 1) Affordable Housing Committee (three (3) vacancies exist, with term ending dates of 05/31/2011); if favorable reappoint (the 3rd vacancy has been re-advertised)

- a) resignation from Ginny Perry

It was moved by Councilor Kelly, seconded by Councilor White to accept the resignation from Ginny Perry. So unanimously voted.

- b) requests for reappointment (for term ending 05/31/2011)

- i) Nancy Mason
 - ii) Valerie Molloy

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to reappoint Nancy Mason and Valerie Molloy to the Affordable Housing Committee for term ending dates of 5/31/2011. So unanimously voted.

- 2) Personnel Board

- a) resignation from Mary Anne Joyce

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the resignation from Mary Anne Joyce from the Personnel Board. So unanimously voted.

UNFINISHED BUSINESS

- 1) Storm Drainage Pumping Station at Tashtassuc Rd. and North Rd. (cont. from 3/24/2008)

The Town Administrator noted that the Public Works Director will proceed with the testing of the runoff to see what type of impact it has on the surrounding area. In addition, the Town Administrator reported that RIDOT will be looking at other alternatives.

- 2) Safety concern on Wood Pile Pier (*per Council President DiGiando* [cont. from 4/21/2008])

William Munger, General Manager of Conanicut Marine Services, Inc. submitted a letter to the Council addressing the Town's intent to identify an additional 80 lineal feet of dock space to be used for fishing. Mr. Munger stated his concerns with his and the Town's joint responsibility to ensure the safety of all groups using the wood pile pier.

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Mr. Munger asked that the Council and the Jamestown Harbor Commission continue with the present arrangements for the wood pile pier until an adequate plan can be formulated. In addition, Mr. Munger asked that he be included in any future discussions as to any improvements to the existing conditions that could safely accommodate all user groups.

Mr. Munger presented several options for accommodating the fishing and boating public. However, at this time most options are cost prohibitive. One suggestion that was discussed at length was the possibility of constructing a high wire to inhibit casting across boat traffic and endangering passengers.

Council President DiGiando reiterated the Council's intent to resolve the conflicting uses of the wood pile pier. In addition, Council President DiGiando noted that the Jamestown Harbor Commission is in the process of reviewing the situation and it is expected they will present a proposed plan for consideration.

Mr. Munger informed the Council that he expects a reduction in the number of individuals using the touch and go dock at the wood pile pier, due to Conanicut Yacht Club constructing a new dock for their members.

The Council discussed the best method to resolve any safety issues at the wood pile pier as well as specific proposals submitted by Mr. Munger.

Michael de Angelis, Harbor Commission Chair, reviewed discussions from Harbor Commission meetings regarding the opening up space on the wood pile pier and emphasized that this is only a stop-gap solution.

It was the consensus of the Council to keep the wood pile pier as a multi-use pier and to continue to provide public access to the water.

It was the consensus of the Council to instruct the Town Administrator to investigate the possibility of limiting the casting of fishing lines on the wood pile pier by the installation of a wire line.

Jack Brittain, Conanicut Avenue asked that the Council be cautious when encouraging fishing on the wood pile pier by constructing additional space.

Steven Moreau, owner of the Beavertail and the Eastern Surveyor, mentioned that he would be willing to dock the Beavertail at Fort Getty, but in the past, this initiated complaints from the users at Fort Getty.

Robert Bowen, Jamestown Harbor Commission member, stated that the Harbor Commission plan is a short-term attempt to solve the problems at the wood pile pier. Funding is not available at this time to take a more long-term approach.

- 2) School Land Use Plan, request for FY 2008-2009 funding from Rolling Agenda and Town Planner (cont. from 4/21/2008)

The Council discussed the offer from the School Committee to transfer \$168,180.00 from the School's undesignated fund balance to the Town budget to implement elements of the Safe Routes to Schools program.

It was moved by Councilor Sutton, seconded by Councilor White that the Council was in support of including a resolution on the Financial Town Meeting warrant to authorize the expenditure of \$168,180.00 from the school fund balance to the town fund balance to implement elements of the Safe Routes to Schools as outlined in the letter dated April 15, 2008 from Carol Nelson-Lee, Chairperson, Rolling Agenda and Lisa Bryer, Town Planner:

<u>Improvement</u>	<u>Estimated Cost</u>
• Construct north-south pathway connecting Lawn and Melrose Schools	\$93,400
• Construct east-west pathway connecting Lawn Avenue with north-south pathway	\$10,400
• Construct sidewalk in front of Lawn School (between driveway entrance and exit)	\$36,400
• Construct sidewalk along south side of Arnold Avenue by Melrose School playground (for parent pick-up/drop-off)	\$19,100
• Stripe crosswalks at the following intersections: North Road/Watson Avenue; North Road/ Narragansett Avenue; Watson Avenue/Pemberton Avenue; Watson Avenue/Lawn Avenue; Watson Avenue/Washington Street; Watson Avenue/Melrose Avenue; Melrose Avenue/Arnold Avenue; crosswalks at Lawn School entry driveway	\$ 8,880
TOTAL ESTIMATED COST:	\$168,180

So unanimously voted.

NEW BUSINESS

1) FY2008-2009 Town Budget; if favorable, motion for adoption Previously addressed.

2) Mosquito Abatement Program – Report from Steven Goslee, Public Works Director

Council members were provided with a letter from W. Michael Sullivan, Director of RI Department of Environmental Management on the “Use of Methoprene for Mosquito Control During the Upcoming Mosquito Season.” In addition, the letter addressed an alternate method of mosquito control by a biological treatment called “Bacillus Sphaericus.”

In addition, the Council members were provided with an informational packet from the Rhode Island Lobstermen’s Association indicating that Methoprene is deadly to many

non-targeted species and is believed to be a hazard to lobster reproduction. Representatives of the Lobstermen's Association requested that the Council consider using an alternative method to control the mosquito population.

A lengthy discussion ensued on what method should be used to safely control the mosquito population.

Councilor Kelly suggested that the catch basins be properly cleaned and managed so as to reduce the amount of standing water. Councilor Szepatowski felt that a toxic study should be conducted in order to determine if lobsters were being affected by the chemicals used for mosquito control.

There great Council concern on using a chemical that might cause any health and safety issues. It was the consensus of the Council to instruct the Town Administrator to make the necessary preparations to have an alternate method of mosquito available should it be needed.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to temporarily suspend the use of the Methoprene for the present season and to evaluate the mosquito problem to determine if there is a need for further action. So unanimously voted.

- 3) Proposed Legislation 2008 – S 2912 An Act Relating to Property – Estates in Real Property; amending RIGL 34-4-21 Limitation of Restrictive Covenants

The Town Administrator informed the Council that the covenants on the property mentioned in the proposed legislation are usual to a subdivision of that type. This legislation would allow for the original covenants and restrictions to remain in place.

Councilor Sutton explained that the original purpose of allowing the restrictions and covenants on these specific developments was to allow the associations to access funding from the specific property owners in order to maintain the drainage ponds and dams in the East and West Passage developments.

It was moved by Councilor White, seconded by Councilor Szepatowski to support the proposed legislation 2008 – S2912 entitled, “An Act Relating to Property – Estates in Real Property.” So unanimously voted.

- 4) Rhode Island Renewable Energy Fund Grant Application for \$35,000.00; if favorable motion to endorse submission of grant application

It was moved by Councilor Kelly, seconded by Councilor White to endorse the request to submit a grant application to the Rhode Island Renewable Energy Fund submission in the amount of \$35,000.00. So unanimously voted.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor Kelly, seconded by Councilor Szepatowski to adjourn the meeting at 10:13 p.m. So unanimously voted.

Attest:

Arlene D. Petit

Town Clerk

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