

## TOWN COUNCIL MEETING

May 12, 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  
Peter D. Ruggiero Town Solicitor  
Arlene D. Petit, Town Clerk  
Thomas P. Tighe, Police Chief  
Michael Gray, Town Engineer  
Justin Jobin, Environmental Scientist

present for the proposed landfill closure presentation: Edward Summerly, Associate Principal, GZA GeoEnvironmental, Inc.

### 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 item #3(a) be removed from the Consent Agenda. It was moved by Councilor White, seconded by Councilor Kelly to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) April 30, 2008 (regular session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a)
  - b) Jamestown Substance Abuse Prevention Task Force (04/09/2008)
- 4) CRMC Notices:

- a) Application for Assent from Plakyil Joseph, 20 Frederick T. Miller Way, East Greenwich, RI to construct and maintain a residential boating facility at property located at 1227 North Main Road, Plat 3, Lot 479, Jamestown
- b) May 2008 Calendar
- 5) Ethics Commission Notice:
  - a) Class Exception Workshop and Request for Comment to be held on Tuesday, June 3, 2008 at 9:00 a.m. (comments due by May 27, 2008)
- 6) Zoning Board of Review abutter notification:
  - a) Notice of public hearing May 20, 2008 at the Jamestown Town Hall, 7:00 p.m. re: Application of Jack F. Phelan, Jr., whose property is located at Gondola St., and further identified as Tax Assessor's Plat 3, Lot 269, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a house 30 ft. from the front line where 40 ft. is required. Said property is located in a R40 zone and contains 52,800 sq. ft.
- 7) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) Resolution from the City of Providence in support of Senate Bill 2008-S 2706 and House Bill 2008-H 7195, "An Act Relating to Motor and Other Vehicles – Automated Traffic Violation Monitoring Systems"
  - b) Resolution from the Town of Charlestown regarding the rules and regulations that the Department of Environmental Management's Water Resources Division adopts without full and complete scientific study and ample public notice

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- 3) Minutes from Boards, Commissions and Committees:
  - a) Library Board of Trustees (04/08/2008)

Councilor Sutton addressed the minutes of the Library Board of Trustees; in particular, page 2, paragraph E, (rotted window). Councilor Sutton noted that the Board has received a \$38,000.00 estimate to repair the windows and inquired if they are working with the Public Works Department to determine the best course of action in repairing or replacing those windows. The Town Administrator noted that the Library Director is working with the Deputy Public Works Director and is looking at a couple of vendors so that the bid specifications can be put together.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to accept the minutes from the Library Board of Trustees. So unanimously voted.

### **EXECUTIVE SESSION ANNOUNCEMENT**

*The Town Council may seek to go in Executive Session to discuss the following items:*

- 1) Pursuant to RIGL 42-46-5 (a) (5) real estate (lease negotiations)
  - a) Fort Wetherill Boat Basin Lease (per Town Administrator)

Council President DiGiando announced that the Council would hold an executive session pursuant to RIGL 42-46-5 (a) (5) real estate to discuss the lease negotiations for the Fort Wetherill Boat Basin.

It was moved by Councilor White, seconded by Councilor Szepatowski to move new business, item #1, Landfill Closure and Public Works Material Storage up on the agenda. So unanimously voted.

### New Business

#### 1) Landfill Closure and Public Works Material Storage

##### *Landfill Closure*

Michael Gray, Town Engineer, reviewed the history of the site investigation at the former landfill; summarizing the site studies, findings, and recommendations for site closure. Mr. Gray noted that GZA GeoEnvironmental has been conducting quarterly environmental monitoring of the former landfill site since March 2002, with no exceedances of State or Federal drinking water standards reported since December 2004.

Mr. Gray discussed the remedial design process, specifically pointing out that in 2004 RIDEM approved the 30% design, and then in 2005 it was thought that the Town would be constructing the highway facility at the landfill whereby a revised plan was submitted to RIDEM. In July 2006 RIDEM replied with 50% design comments.

Mr. Gray stated that the plan presently before the Council is the same plan that was approved at the 30% process with additional site improvements. Those improvements include:

- upgrades to existing stormwater collection swales and culverts servicing North Main Road
- roadway surfaces and entrance improvements
- compost area expansion
- upper paved storage area
- metal recycling off-load deck upgrades and repairs

Edward Summerly, GZA GeoEnvironmental, concluded that RIDEM has already approved all the elements in the 30% design. Mr. Summerly noted that because the paved storage area is not in the landfill, it will not be necessary to receive RIDEM approval.

The Town Administrator noted that once the Council approves a plan, Mr. Summerly will put the 100% design plan together for RIDEM review.

##### *Material Storage*

Mr. Gray reviewed the material to be stored at the approximate 1.01 acre site outside of the former landfill area. This storage site would be used in addition to the storage at the site of the new highway facility at Taylor Point.

Mr. Gray showed slides depicting the current material storage at the former landfill and explained plans for the storage in the proposed paved area.

At the conclusion of the presentation by Mr. Gray, Council President DiGiando asked for a vote to approve or reject the plan as presented.

It was moved by Councilor Sutton, seconded by Councilor Kelly to approve landfill closure and material storage plan as presented.

Council President DiGiando called for Council comments.

The following issues were discussed by the Council:

- Site preparation – in order to save money, it was agreed that the Public Works Department would do a large portion of the site work
- Consideration would be given to the reuse of the large storage building already located at the landfill site
- Clean fill to be collected from Town projects and stored for use in the site work at the landfill
- Consideration should be given to retaining clean fill from private excavation projects, with the parameters set by the Town Engineer
- 100% design plan to be brought back to the Council prior to the submission to RIDEM

Councilor Szepatowski noted that she was not prepared to vote on the approval of the plan until it has been presented to the public at a work session.

Council President DiGiando invited public comment.

Sav Rebecchi, Sail Street, stated that he was concerned with the rules of the Town Charter being ignored by direct orders being given to Town staff by individual Council members.

Patrick Bolger, Fore Royal Court, asked if the comments from the 50% design plan will be included. Mr. Gray answered that those comments would be included.

Dennis Webster, Mount Hope Avenue, suggested that the Council consider allowing an area to be used as the “Town Swap Shop”. This would reduce the amount of trash by recycling items.

Richard Anderson, West Reach Drive, stated that the cost of saving the large building would increase the paving budget.

It was moved by Councilor Sutton, seconded by Councilor Kelly to amend the main motion to approve the landfill closure to include investigating opportunities to either save and maintain the existing large building on site or move it to a more appropriate site. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, aye; Council President DiGiando, aye. The amendment to the main motion passed with four in favor and one opposed.

The main motion to approve landfill closure and material storage plan as presented was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, aye; Council President DiGiando, aye. The main motion passed with four in favor and one opposed.

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

1) Town Administrator Report

a) Healthy Lawn Care Workshop, Thursday, May 22, 2008

The Town Administrator informed the Council that Justin Jobin, the Town's Environmental Scientist, will hold a Healthy Lawn Care Workshop on May 22 from 7:00 p.m. to 8:30 p.m. at the town hall in the Council chambers.

The Town Administrator noted the following topics which will be included in the workshop:

- Stormwater pollution overview
- Environmentally friendly landscaping
- Lawn care basics
- Questions to ask your lawn service provider

b) 44 Southwest Avenue

The Town Administrator reported that the archaeological investigation at the 44 Southwest Avenue site uncovered 40 significant features of Native American activities. Preliminary results indicate that the presence of the features will limit development of the parcel and may confine any re-use to the original footprint of the town offices structure. The Town Administrator noted that he expects to forward a full report to the Council shortly. The report will also be reviewed by the attorney for Church Community Housing to determine if they will go forward with plans for affordable housing on that site. The Town Administrator stated that it may be necessary to consider changing the existing use of that area to retail or office use. The Town Planner will continue to search for an alternate site for affordable housing hoping to recapture the structures that might be lost to the Town because of the inability to expand 44 Southwest Avenue.

c) Recycling work session, Tuesday, May 13, 2008

The Town Administrator noted that staff from the Rhode Island Resource Recovery Corporation will be present on Tuesday, May 13 to provide an overview of alternative methods to enhance local recycling and reduce the cost of tipping fees.

d) Highway Barn bid response date

The Town Administrator stated that the modification bids for the highway facility are due Thursday, May 14. It is hoped that the bids will meet the \$1,500,000.00 budgeted for the construction of the highway facility.

Other issues discussed with the Town Administrator

Animal Shelter – There will be a work session on May 27 from 6:00 p.m. to 7:00 p.m. to discuss the need for an animal shelter in Jamestown.

Dutch Harbor Boat Yard – The business is going up for public auction on June 4. The Town has already received the lease payment for this year; however, there are property taxes owed.

Councilor Sutton suggested that the Town consider the best use of the town-owned portion of land at Dutch Harbor prior to entering into a lease with a new owner.

It was the consensus of the Council that the Dutch Harbor Boat Yard Lease be put on the Council agenda for the May 27, 2008 meeting.

2) Finance Director's Report

No action taken.

### **PUBLIC HEARING**

- 1) Proposed Amendment to the Code of Ordinances, Chapter 70, Traffic and Vehicles, Section 87; duly advertised on May 1, 2008 in the Jamestown Press
  - a) Letter from Michael Lichtenstein opposition to proposed amendment and recommendation for change

Prior to the opening of the public hearing, Police Chief Thomas Tighe reviewed the Coronado Street proposed amendment. Chief Tighe stated that the proposed amendment would help keep the big trucks off Narragansett Avenue while they are making deliveries to some of the local businesses. Chief Tighe noted that the letter in opposition to the Coronado Street proposed amendment is requesting that the parking be restricted for the first 15 feet and then allowed for the next 75 feet. Chief Tighe stated that by ordinance, there is no parking within 20 feet of a corner, which would give an additional 5 feet to Mr. Lichtenstein's request.

In addressing the Union Street proposed amendment, Chief Tighe stated that this would free up parking spaces for residents.

It was moved by Councilor Kelly, seconded by Councilor White to open the public hearing on the proposed amendment to the Code of Ordinances, Chapter 70, Traffic and Vehicles, Section 87. So unanimously voted.

Chuck Masso, owner of Chopmist Charlies stated that he requested the amendment in an attempt to get some of the heavy commercial traffic off Narragansett Avenue and onto the area by the side of the Jamestown Press so that deliveries could be made to multiple retailers in that vicinity. Mr. Masso stated that he agrees with Mr. Lichtenstein's letter. Mr. Masso stated that he has monitored all the deliveries within the last two weeks and found that there is only one small size trailer truck that comes twice per week and parks for approximately thirty minutes and parks twenty-five feet away from the corner of Coronado Street and Narragansett Avenue.

There being no further comment, it was moved by Councilor White, seconded by Councilor Kelly to close the public hearing at 8:49 p.m.

The Council discussed the possibility of addressing the width of the sidewalk when planning the streetscape for the Coronado Street area. It was suggested that perhaps the sidewalk could be reduced by two feet in order to accommodate the traffic.

The Council also discussed their concerns with truck traffic proceeding down Knowles Court. Chief Tighe stated that this could not be controlled; however, he believes that the larger trucks cannot make the turn to Knowles Court.

Council President DiGiando inquired if the amendments were in accordance with the Charrette presented by the Planning Commission.

There was no further discussion.

It was moved by Councilor Sutton, seconded by Councilor White to adopt the amendment to the Code of Ordinances, Chapter 70, Traffic and Vehicles, Section 87 as presented:

**Section 1.** The Jamestown Code of Ordinances, Chapter 70, Traffic and Vehicles, Section 87 is hereby amended by changing the text of the Chapter, as follows:

NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance; words set in **bold** are to be added to the ordinance.

Chapter 70, Sec. 87. Prohibited or restricted parking on specified streets.

*Coronado Street*, ~~no parking on easterly side from its intersection with Narragansett Avenue northerly for a distance of 90 feet.~~ **sixty (60) minute loading zone only on the easterly side from its intersection with Narragansett Avenue northerly for a distance of ninety (90) feet.**

*Union Street*, no parking on the northerly side from its intersection with Conanicus Avenue westerly for a distance of ~~200~~ **one hundred nine (109)** feet.

**Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to Chapter 70, Article IV of the Town of Jamestown's Code of Ordinances.

**Section 3.** This Ordinance shall take effect upon its passage.

It was so unanimously voted.

## ORDINANCES AND RESOLUTIONS

None

## COMMUNICATIONS AND PETITIONS

- 1) Notice from the State Traffic Commission re: Jamestown requests to be placed on the State Traffic Commission's meeting of May 14, 2008 at 10:00 a.m.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from the State Traffic Commission. 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) Exhibition License with Vendors Application(s):

- a) Application of Conanicut Island Art Association (CIAA) dba: Here Comes Summer to hold an Art Show/Exhibit at the Town Hall, 93 Narragansett Avenue on Thursday, June 5, 2008 during normal business hours

Wendy Crooks of the Conanicut Island Art Association stated that the hours for the art exhibit should have been from 5:00 p.m. to 7:00 p.m.

It was moved by Councilor Kelly, seconded by Councilor White to approve the Exhibition License for the Conanicut Island Art Association (CIAA) dba: Here Comes Summer to hold an Art Show/Exhibit at the Town Hall, 93 Narragansett Avenue on Thursday, June 5, 2008 from 5:00 p.m. to 7:00 p.m. So unanimously voted.

- b) Application of the Arnold Zweir Post 22 American Legion dba: **Annual Memorial Day Parade** to have a parade on Monday, May 26, 2008 from 10:30 am to Noon. Route: from North Main Road down Narragansett Avenue ending at Veteran's Memorial Square (East Ferry).

It was moved by Councilor Kelly, seconded by Councilor White to approve the Exhibition License for the Arnold Zweir Post 22 American Legion dba: **Annual Memorial Day Parade** to have a parade on Monday, May 26, 2008 from 10:30 am to Noon. Route: from North Main Road down Narragansett Avenue ending at Veteran's Memorial Square (East Ferry). So unanimously voted.

- c) Application of St. Matthew's Church dba: **Annual Summer Fair/Sale** to hold an annual sale on Saturday, July 19, 2008 at 87 Narragansett Avenue from 9:00 am to 1:00 pm

It was moved by Councilor Kelly, seconded by Councilor White to approve the Exhibition License for St. Matthew's Church dba: **Annual Summer Fair/Sale** to hold an annual sale on Saturday, July 19, 2008 at 87 Narragansett Avenue from 9:00 am to 1:00 pm. So unanimously voted.

2) One Day Peddler Application(s):

- a) Application of the **Jamestown Medical Fund** to sell flowers/plants on Monday, May 26, 2008 from 9:00 am to 1:00 pm at East Ferry Beach

Councilor Szepatowski raised concern over the congestion at East Ferry on the day of the parade. Chief Tighe noted that the flower sale would be set up on the north side of the concrete pier and not in the way of the parade route.

It was moved by Councilor Kelly, seconded by Councilor White to approve the One Day Peddler License for the Jamestown Medical Fund to sell flowers/plants on Monday, May 26, 2008 from 9:00 am to 1:00 pm at East Ferry Beach in the grassy area on the north side of the concrete pier. 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

Dennis Webster, Mount Hope Avenue, cautioned the Council that the auction of the Dutch Harbor Boat Yard could be adversely affected by a decision to change the use of the town-owned property there.

Christopher Varrecchione, Rub Street, asked the Council to instruct the Town Solicitor to ask for the demolition of the property at 30 Rub Street that was destroyed by fire. Mr. Varrecchione stated that the property is a danger to his six children and the other children in the area.

The Town Solicitor noted that due process must be followed; however, the property must be kept safe.

The Council discussed the need for properties that have been damaged by fire to be evaluated to ensure that they are properly maintained to protect the safety of the community. The Town Administrator and Town Solicitor were instructed to work with the Town Officials to evaluate these properties for any safety hazards.

## **APPOINTMENTS AND RESIGNATIONS**

None

## **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

- 1) Landfill Closure and Public Works Material Storage  
Previously discussed.

- 2) Town Properties
  - a) request for survey of all town properties for the purpose of evaluating the short-term and long-term use with the possibility of selling excess real estate (Per Councilor Kelly)

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to instruct the Town Administrator to prepare a survey of all town-owned property for review by the Council in evaluating the short-term and long-term use of those properties. So unanimously voted.

- 3) Financial Town Meeting Warrant

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Warrant for the June 2, 2008 Financial Town Meeting. So unanimously voted.

3) Town Council Goals

It was the consensus of the Council that the Town Council Goals be put on the May 27, 2008 agenda for adoption.

Public and Private Roads

Councilor Sutton asked that information regarding the procedure for identifying public and private roads be put on the Council agenda for May 27, 2008 and asked that the Town Administrator direct the Town Planner and the Planning Commission Chair to attend the Council meeting in order answer any questions that the Council might have.

**EXECUTIVE SESSION**

It was moved by Councilor Kelly, seconded by Councilor White to enter into executive session at 9:30 p.m. pursuant to RIGL 42-46-5 (a) (5) real estate (lease negotiations) to discuss the Fort Wetherill Boat Association Lease. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando, aye. The motion passed with five in favor.

Upon the return of the Council from execution session, Council President DiGiando announced that there were no votes taken in executive session.

**ADJOURNMENT**

There being no further business before the Council, it was moved by Councilor Kelly, seconded by Councilor Szepatowski to adjourn the meeting at 9:55 p.m. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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