

TOWN COUNCIL MEETING
MAY 27, 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
Barbara A. Szepatowski
William A. Kelly

Robert W. Sutton, Jr. arrived at 7:05 p.m.

also present:

Bruce R. Keiser, Town Administrator
Peter D. Ruggiero Town Solicitor
Arlene D. Petit, Town Clerk
Lisa Bryer, Town Planner
Thomas P. Tighe, Police Chief
Michael Swistak, Planning Commission

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 #2, 5 (a) (b) and (c) be removed from the Consent Agenda. It was moved by Councilor White, seconded by Councilor Szepatowski to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) May 12, 2008 regular session
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Zoning Board of Review (03/25/2008)
 - b) Jamestown Housing Authority (04/09/2008)
 - c) Jamestown Planning Commission (04/02/2008, 04/16/2008)
 - d) Jamestown Conservation Commission (03/11/2008, 04/15/2008)
- 4) CRMC Notices:
 - a) Coastal Features Newsletter
 - b) Assent Applications

- i) Sharon and Gary L'Europa, 57 Terrace Avenue, Riverside to construct and maintain a residential boating facility at 33 Seaside Drive; Plat 14, Lot 14
 - ii) Raymond Iannetta, 1219 North Main Road to construct and install a boat lift system on an existing dock at 1219 North Main Road; Plat 3, Lot 545
- 5) Proclamations & Resolutions from other Rhode Island cities and towns
 - a)
 - b)
 - c)
- 6) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor Kelly inquired about the \$5,645.00 paid to Paul A. Sollitto from the Water Resource Protection Fund.

The Town Administrator noted that Mr. Sollitto works with Larry Parks in the clearing of tax titles on property redeemed by the Town.

- 5) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Town of North Kingstown re: resolution endorsing continued support of the USS Saratoga Museum project
 - b) Town of Middletown re: resolution supporting the passage of House Bill No. 7776 "An Act Relating to Labor and Labor Relations – Health and Welfare Funds – Pension Plans
 - c) Warwick School Committee re: resolution supporting the passage of House Bill No. 7776 "An Act Relating to Labor and Labor Relations – Health and Welfare Funds – Pension Plans

Councilor Kelly asked to have a resolution endorsing support for the USS Saratoga Museum project on the June 9 agenda.

Councilor Kelly asked if the Town Council should forward further endorsement to the General Assembly regarding House Bill No. 7776.

The Town Administrator noted that the Council has already forwarded an endorsement to the General Assembly. In addition, the Town Administrator stated that this bill is being followed very closely because of its positive impact on the cost of benefits to municipalities.

It was moved by Councilor Kelly, seconded by Councilor White to approve Bills and Payroll and the Proclamations and Resolutions from North Kingstown, Town of Middletown, and the Warwick School Committee. 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) (2) litigation
 - a) Jamestown Harbor Boat
- 2) Pursuant to RIGL 42-46-5 (a) (5) real estate

Council President DiGiando announced that there would be an executive session pursuant to RIGL 42-45-5 (a)(2) litigation to discuss the Jamestown Harbor Boat.

Councilor DiGiando announced that there would be an executive session pursuant to RIGL 42-46-5 (a)(5) real estate.

Council President DiGiando requested that the executive session regarding litigation relating to the harbor boat be moved to this time on the agenda.

It was moved by Councilor Szepatowski, seconded by Councilor White to move the executive session relating to litigation up on the agenda. So unanimously voted.

Executive Session - Pursuant to RIGL 42-46-5 (a) (2) litigation, harbor boat (Phase I)

It was moved by Councilor Szepatowski, seconded by Council President DiGiando to enter into executive session at 7:15 p.m. pursuant to RIGL 42-45-5 (a)(2) litigation to discuss the Jamestown Harbor Boat.

Councilor Sutton questioned the need to enter into executive session. The Town Administrator answered that the reason for the executive session was to determine if the Council wanted to make an offer of settlement with Ribcraft or to proceed with litigation. Councilor Sutton asked to hear the recommendation of the Town Administrator in public session, and if not appropriate, the Council could then enter into executive session.

The Town Solicitor informed the Council that any public statement regarding the litigation could be used against them if this litigation went to Court.

The motion to enter into executive session was voted, Councilor Kelly, aye; Councilor Sutton, nay; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando, aye. The motion passed with four in favor and one opposed.

The Town Council returned from the executive session at 7:29 p.m.

It was moved by Councilor Szepatowski, seconded by Councilor White to seal the minutes of the executive session from the public. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Council President DiGiando, aye. The motion passed with all in favor.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to instruct the Town Administrator to finalize negotiations with Ribcraft. So unanimously voted.

Council President DiGiando announced that there were no votes taken in executive session.

Council President DiGiando asked the Town Administrator to announce the proposed settlement with Ribcraft, Inc.

The Town Administrator explained that the cost to repair the electro-galvanic corrosion of the harbor boat was \$25,270.00. This amount includes a survey and site inspection conducted by Ribcraft in an attempt to determine the cause of the corrosion. The cost does not however include the cost to the Town for the inspection and report provided by Dr. Otto Gregory in an attempt to determine where the liability lies for the damage.

Negotiations have been ongoing with Ribcraft and with liability being unclear, the proposed settlement supported by both the Jamestown Harbor Commission and representatives from Ribcraft is as follows: The Town of Jamestown will be responsible for \$10,000.00 of the cost of repair to the harbor boat. The Town of Jamestown will continue to monitor the condition of the boat and any causes that may attribute to the deterioration of the boat. Ribcraft will also monitor the condition of the boat and any causes that may attribute to the deterioration of the boat.

The Town Administrator stated that the settlement would be paid through the retained earnings in the Harbor Commission account.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to move new business up on the agenda. So unanimously voted.

New Business

1) Public and Private Roads

Councilor Sutton expressed his concerns regarding the enforcement of Town standards for roads when considering subdivision development. Councilor Sutton stated that when a developer is planning a subdivision, the developer may opt to design private streets that do not meet the standards of public roads and would not require Town services. However, Councilor Sutton stated that in time residents may look to the Town for road repair or snow removal. Councilor Sutton asked that the Planning Commission require that all roads be consistent with Town standards.

The Town Planner noted that there is a clause in the Zoning Ordinance which states that a developer must file a covenant stating that the Town of Jamestown shall not be asked or required to accept or maintain the private streets within a development for a minimum of ninety-nine (99) years. In addition, there must be a Road Ownership Association to maintain and repair those private roads.

The Town Administrator noted that in order for a road to receive any Town services, it must be brought up to the standards set for public roads.

The Town Solicitor mentioned that this is a policy decision which could be changed by a Resolution of the Council.

Following a lengthy discussion regarding the need for roads to meet Town standards, it was moved by Councilor Sutton, seconded by Kelly to notify the Planning Commission

that as they review the Comprehensive Community Plan and the Subdivision Regulations that they seriously consider abandoning the existing provision that allows them to waive residential road standards in new subdivisions, other than for width. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, nay; Council President DiGiando, nay. The motion failed with two in favor and three opposed.

- 2) Animal Shelter
 - a) Need
 - b) Site proposal
 - c) Potential lease

Councilor Szepatowski gave an overview of the possibilities for a potential animal shelter and nature center at the old Water Treatment Plant. The animal shelter would be run by a competent group of volunteers, under the direction of the Board of Directors. The nature center would include an educational component and be supervised by members of the Conservation Commission, Dr. Numi Mitchell and volunteers from the Friends of Jamestown Animals.

Councilor Szepatowski asked if the Council would allow the continued research for this project at this location. In preliminary discussions, Councilor Szepatowski stated that she has had positive input from community members. With a ten-year lease, Councilor Szepatowski stated she would expect a financial commitment from the private sector as well as grant funding available.

Councilor Szepatowski encouraged the Council to contract shelter services with North Kingstown Animal Shelter until such time as Jamestown is able to establish their own.

Councilor Szepatowski was asked to come back to the Council with answers for the following questions:

- o Structure of the Board of Directors
- o Establishment of a 501C3 Status
- o Fiscal Analysis
- o Formal Management Policy
- o Proposed Level of Activity
- o State Regulations / Town Regulations
- o Logistics of using the Water Treatment Facility
- o Costs vs. use of North Kingstown or Potter League

In addition to the above, it was requested that the Town staff be invited to comment on the prospect of locating an animal shelter / nature center at the Water Treatment Facility.

- 3) Dutch Harbor Boat Yard

The Town Administrator stated that the Dutch Harbor Boat Yard is on the agenda so that the Council can make a determination as to whether the Town has any specific interest in the property at Dutch Harbor. Bids on the property are due on June 2, 2008, with a Court hearing scheduled for June 4, 2008 at 9:30 a.m.

The Town Administrator noted the Jeffrey McDonough has submitted a suggestion that the Town could take this opportunity to create a community boating center by purchasing the Dutch Harbor Boat Yard. The property and the Town-owned pier at the foot of Narragansett Avenue would be leased to a not-for-profit organization to promote and operate public sailing instruction, rental programs and to create opportunities to attract new sailors.

Barbara Patterson, Co-owner of the Dutch Harbor Boat Yard, announced that she had just received the financing for the boat yard and did not expect any Court action.

The Town Solicitor explained that it would be the usual practice for the Court action to continue and advised the Council to determine what steps they would like to take.

In discussing any consideration for the Town submitting a bid proposal for the property, the Town Solicitor informed the Council that any proposal must be in the form of a bid response. The Council continued to discuss potential Town uses for the property; although, noting that the funding for such a purchase was not presently available.

It was the consensus of the Council to meet on Friday, May 30, 2008 at 3:30 p.m. to discuss any new information relating to the Dutch Harbor Boat Yard.

The Council returned to the next order of business.

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

- 1) Town Administrator Report
 - a) 101 Gondola Avenue; Plat 16, Lot 335

The Council discussed their concerns relating to safety issues at the abandoned structure located at 101 Gondola Avenue.

The Town Administrator informed the Council that the Town Building Official and Police Chief have documented the dilapidated structures, as well as the rubbish, garbage and other debris about the property. The attorney for the owners has been notified of the Town's concerns. The Town Administrator noted that on other occasions when there were safety complaints, the owners responded that they would be rebuilding. However, over the years, this has not happened and the building continues to deteriorate causing hazardous conditions and safety concerns.

The Town Administrator stated that the Town Solicitor is prepared to notify the owners of the Town's request for removal of those structures within sixty (60) days or the Town will seek legal action.

- b) 44 Southwest Avenue (former town offices)

The Town Administrator updated the Council on the planned use of 44 Southwest Avenue for affordable housing. Due to the findings of artifacts within the site, it has

reduced the number of units Church Community Housing could construct and changing the cost effectiveness of the project. Other options may be to put the property up for sale for either private or retail use. The Town Administrator stated that he would be meeting with Church Community Housing on Thursday and would report back to the Council.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to move open forum up on the agenda. So unanimously voted.

Open Forum

2) Non-scheduled request to address

Wayne Rocheleau, Massachusetts, stated that in 2006 his boat ended up on the beach at Dutch Harbor because the moorings were not properly inspected. He stated that it was his understanding that the moorings still have not been inspected.

Council President DiGiando noted that it was his understanding that the Harbor Commission has asked all commercial mooring operators to submit their inspection data.

The Town Administrator stated that for the 2008 boating season all commercial moorings must be inspected and that records of those inspections must be submitted to the Harbor Commission.

Barbara Tuthill, Gondola Avenue, Secretary of the Sunset Farms Association, asked that the association be kept up-to-date on the results of contacting the owners of 101 Gondola Avenue.

Raymond Iannetta, North Main Road, reported that the conditions of the road at the transfer station are hazardous, causing drivers to pull onto property on the side of the road in order to avoid the large holes in the road.

The Town Administrator noted that the public works staff is scheduled to patch the road tomorrow.

Sav Rebecchi, Sail Street, reminded the Council that a Charter Committee should be established this year. In addition, Mr. Rebecchi asked about the bidding process for the Dutch Harbor Boat Yard.

Ellen Winsor, East Shore Road, stated that she is looking forward to a positive decision on the animal shelter

1) Scheduled request to address

a) Representative Bruce J. Long re: legislative update

As part of a verbal update to the Council, Representative Bruce Long announced that House Bill H8199, was introduced to amend Chapter 24-12 of the Rhode Island General Laws. Passage of this bill would repeal the section of the law that requires the State to retain a portion of the North Kingstown side of the Jamestown Bridge for use as a fishing pier, additionally, it would no longer require the development of a park on land adjacent to the Jamestown Bridge on the North Kingstown side. Representative Long stated that

he is opposed to House Bill H8199 and asked that the Council support his opposition to the passage of this Bill.

It was the consensus of the Council to prepare a formal resolution opposing House Bill H8199 for the June 9 Town Council meeting.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Jamestown School Committee invitation to the Town Council and Town Administrator to participate in a summer retreat (date to be determined)

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the invitation from the School Committee. So unanimously voted.

The Council discussed a possible date of August 14, 2008 at 4:00 p.m. with School Committee Chair Kaiser.

- 2) Letter from Cynthia Levesque re: amendment to Code of Ordinance relating to Coronado Street parking

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from Cynthia Levesque and to forward it to the Traffic Committee. So unanimously voted.

- 3) Letter from Jan J. Szelag re: wind system energy

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from Jan Szelag. So unanimously voted.

- 4) Letter from Diana Doherty re: broken mailbox

It was moved by Councilor White, seconded by Councilor Kelly to accept the letter from Diana Doherty. So unanimously voted.

Councilor Sutton noted that that portion of Walcott Avenue is plowed by the State.

It was further moved by Councilor Sutton, seconded by Council President DiGiando to refer the letter to the Town Administrator to notify Ms. Doherty of the procedure for a formal claim. 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 Applications:**

- a) Application of **Conanicut Island Art Association** dba: Annual Art Exhibit to hold an event at the Community Center August 20th – 24th for the hours of 6:00 – 8:30 pm (8/20) and 10:00 am to 4:00 pm (8/21-24). Insurance certificate attached and peddler fee paid (1)
- b) Application of **Conanicut Island Art Association** dba: Annual Summer Craft Show to hold an event at the Community Center Saturday, August 16, 2008 for the hours of 10:00 am to 5:00 pm. Insurance certificate attached and peddler fees paid (34)

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Exhibition Licenses for the Conanicut Island Art Association for exhibits to be held at the Community Center on August 20 to August 24 and on August 16, 2008. So unanimously voted.

- c) Application of **Central Baptist Church** dba: June Festival to hold an event at the church as well as in Town Hall parking lot on Saturday, June 21, 2008 from 9:00 am to 1:30 pm. Insurance certificate and promoter's permit attached and peddler fee paid (1)

It was moved by Councilor White, seconded by Councilor Szepatowski to approve the Exhibition License for Central Baptist Church dba: June Festival to hold an event at the church as well as in Town Hall parking lot on Saturday, June 21, 2008 from 9:00 am to 1:30 pm. So unanimously voted.

2) **Entertainment License Application:**

- a) Application of **Jon Mistowski dba: Caddy Shack**, 245 Conanicus Avenue; to have a band on Sunday, September 14, 2008 from Noon to 4:00 p.m. for the annual Ocean State Parrot Head Club Golf Tournament at the Jamestown Golf Course

It was moved by Councilor Kelly, seconded by Councilor White to approve the Entertainment License for Jon Mistowski dba: Caddy Shack, 245 Conanicus Avenue; to have a band on Sunday, September 14, 2008 from Noon to 4:00 p.m. for the annual Ocean State Parrot Head Club Golf Tournament at the Jamestown Golf Course. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce J. Long re: legislative update

Previously addressed.

- 2) Non-scheduled request to address

Previously addressed.

APPOINTMENTS AND RESIGNATIONS

- 1) Set date for committee interviews (5) (per Town Clerk)

It was the consensus of the Council to schedule committee interviews for June 16, 2008.

UNFINISHED BUSINESS

- 1) Event/Exhibition Licenses
 - a) Review of events and impact on community

The Town Administrator informed the Council that he will have a full financial work-up to present to the Council at the June 9 Council meeting.

- 2) Town Council Goals; if favorable, for adoption

It was the consensus of the Council that the Town Council Goals would be on the June 9 agenda for adoption.

- 2) Design of Highway Facility and Salt Storage Building

The Town Administrator reported that the Rhode Island Turnpike and Bridge Authority have approved the design for the highway facility and salt storage building.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the design of the highway facility and the salt storage building as presented. So unanimously voted.

NEW BUSINESS

- 1) Public and Private Roads (per Councilor Sutton)

Previously presented.

- 2) Animal Shelter (per Councilor Szepatowski)
 - a) Need
 - b) Site proposal
 - c) Potential lease

Previously addressed.

- 3) Dutch Harbor Boat Yard

Previously discussed.

- 4) Award of Bid re: membrane roof repairs at the Jamestown Library to **Gorman Roofing, Inc.**, for an amount not to exceed \$5,830.00

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the bid for the membrane roof repairs at the Jamestown Library to Gorman Roofing, Inc. for an amount not to exceed \$5,830.00. So unanimously voted.

EXECUTIVE SESSION

- 2) Pursuant to RIGL 42-46-5 (a) (5) real estate (Phase II)

It was moved by Councilor Szepatowski, seconded by Councilor White to enter into executive session at 9:37 p.m. pursuant to RIGL 42-46-5 (a) (5) real estate.

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 executive session at 9:46 p.m., it was moved by Councilor White, seconded by Councilor Szepatowski to seal the minutes of the executive session from the public. 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.

Council President DiGiando announced that there were no votes taken in executive session.

ADJOURNMENT

There being no further business before the Jamestown Town Council, it was moved by Councilor White, seconded by Councilor Szepatowski to adjourn the meeting at 9:50 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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