

**TOWN COUNCIL MEETING  
October 14, 2008**

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall in the Rosamond Tefft Council Chambers, 93 Narragansett Avenue at 7:00 p.m. by Council President Julio J. DiGiando The following members were present:

Michael G. White, Vice President  
William A. Kelly  
Robert W. Sutton, Jr.

absent: Barbara A. Szeptowski  
also present:

Bruce R. Keiser, Town Administrator  
Peter D. Ruggiero Town Solicitor  
Arlene D. Petit, Town Clerk  
Christina D Collins, Finance Director

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

Council President DiGiando recognized the presence of members of Webelos, Cub Scout Pack One working for credit towards their Citizenship Badge.

**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.*

It was moved by Councilor White, seconded by Councilor Kelly to open the meeting as the Council sitting as alcoholic beverage licensing board. So voted with four in favor.

- 1) **Request for Motion** to set Alcoholic Beverage License limits for 2008-2009

It was moved by Councilor Kelly, seconded by Councilor White to set the Alcoholic Beverage limits for 2008-2009 as follows:

<u>CLASS</u>	<u>LIMIT</u>
<b>A</b>	<b>2</b>
<b>BV</b>	<b>8</b>
<b>BT</b>	<b>1</b>
<b>D</b>	<b>1</b>

So voted with four in favor

- 2) **Request for Motion** to advertise in the Jamestown Press in the October 16<sup>th</sup> & 23<sup>rd</sup> editions for a public hearing on **November 10, 2008**:

It was moved by Councilor Kelly, seconded by Councilor White to advertise in the Jamestown Press in the October 16 and 23, 2008 edition for a public hearing to consider the following alcoholic beverage license renewal applications:

**RENEWAL:**

CLASS A (PACKAGE STORE) - RETAIL

Grapes & Gourmets, Inc.  
dba: Grapes & Gourmets

9 Ferry Wharf

Varsha, Inc.  
dba: Jamestown Wine & Spirits  
30 Southwest Avenue

CLASS B – TAVERN  
Long Wharf Marina Restaurant, Inc.  
dba: The Bay Voyage  
150 Conanicus Avenue

CLASS B – VICTUALER  
Islandish, Ltd.  
dba: Chopmist Charlies  
40 Narragansett Avenue

Jamestown Oyster Bar, Inc.  
dba: Jamestown Oyster Bar  
22 Narragansett Avenue

Jamestown Restaurant Group, LLC  
dba: Narragansett Café  
25 Narragansett Avenue

New England Golf Course Management, Inc.  
dba: Jamestown Golf and Country Club  
aka: the Caddy Shack  
245 Conanicus Avenue (lower level rear)

Portuguese American Citizen's Club  
dba: Portuguese American Citizen's Club  
11 Pemberton Avenue

SeaDish, Ltd.  
dba: Tricia's Tropigrille  
14 Narragansett Avenue

Slice of Heaven, Inc  
dba: Slice of Heaven  
32 Narragansett Avenue

Trattoria Simpatico, Inc.  
dba: Trattoria Simpatico  
13 Narragansett Avenue

CLASS D FULL (CLUB)  
Conanicut Yacht Club

40 Bay View Drive

So voted with four in favor

It was moved by Councilor Kelly, seconded by Councilor White to close the meeting of the Council sitting as Alcoholic Beverage Licensing Board at 7:06 p.m. So voted with four in favor

**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(e) be removed from the Consent Agenda. It was moved by Councilor Sutton, seconded by Councilor White to accept the Consent Agenda as amended. So voted with four in favor.

The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) September 22, 2008 (regular session)
  - b) September 22, 2008 (executive session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Library Board of Trustees (08/05/2008)
  - b) Jamestown Conservation Commission (08/12/2008)
  - c) Zoning Board of Review (08/26/2008)
  - d) Beavertail State Park Advisory Committee (05/14/2008)
  - e)
  - f) Jamestown Tree Preservation and Protection Committee (06/16/2008, 08/19/2008)
- 4) CRMC Notices:
  - a) Agenda/Calendar
    - i) Semi-Monthly Meeting Full Council for Tuesday, September 23, 2008 (received on 9/22/2008)
    - ii) October 2008 Calendar
  - b) Application for an assent from Plakyil Joseph of 20 Frederick T. Miller Way, East Greenwich to modify the direction of the terminal fixed "L" section of the authorized residential boating facility and revise the boat lift capacity from 1200 pounds to 16,000 pounds at 1227 North Main Road, Plat 3 Lot 479
- 5) Proclamations & Resolutions from other Rhode Island cities and towns
  - a) City of Providence Resolution re: Ovarian Cancer Awareness Month
- 6) Abatements/Addenda of Taxes

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- 3) Minutes from Boards, Commissions and Committees:
  - e) Fort Getty Master Plan Committee (02/20/2008, 09/10/2008, 9/18/2008)

Councilor Sutton addressed the Fort Getty Master Plan Committee minutes, noting that there has been much discussion about boat storage for 100 to 200 keel boats being considered for the off-season at Fort Getty. Councilor Sutton asked when this proposal would come before the Council for public discussion.

The Town Administrator answered that the discussion regarding boat storage is part of the whole concept of the proposal to allow for a sailing center as part of the usage at Fort Getty. FAST Sailing Group is developing a proposal to generate revenue by providing boat storage as part of the sailing center plan. The Town Administrator stated that the Town Planner and the Fort Getty Master Plan Committee are expected to bring an update to the Master Plan for Council consideration within the next few weeks.

It was moved by Councilor White, seconded by Council President DiGiando to accept the minutes from the Fort Getty Master Plan Committee. So voted with four in favor.

It was moved by Councilor White, seconded by Councilor Kelly to move item #1 under new business up on the agenda. So voted with four in favor.

#### New Business

1) Report on Town Investments (per Councilor Kelly)

The Town Administrator reported the following information to the Council regarding the Town's financial status:

- The Town has three sets of funds: operating cash reserves from tax payments and other revenue sources; \$7 million in designated and undesignated fund balances; and a \$4.5 million police pension fund.
- The financial advisor for the Town of Jamestown is Bank of America Investment Division. Bank of America has been the bank of record for more than 15 years. It is a major financial institution with an experienced, diverse staff.
- The collection rate for tax payments has not changed from the 2007 first quarter collections. Nor is there any increase in delinquencies, residential or commercial. 3.7% of the \$16.8 million income, or \$623,000, is from the business community.
- The police pension fund is invested in a balanced return portfolio of equities, fixed income, and cash. Of the \$240,000 in annual income, cash is 9%, fixed income is 63%, and equities 28%. The pension fund was down 7.3% from September 2007. If the market conditions remain volatile, Bank of America will maintain a higher cash position. The plan is conservative, with high quality investments.
- The Finance Director manages the daily operating cash according to a drawdown schedule for bills and payroll (\$225,000 and \$350,000) and school payments (North Kingstown \$700,000 per quarter). Excess cash is invested in money markets and high grade commercial paper (30 days typically). Designated and Undesignated fund balances (\$7 million) are also kept in commercial paper.

There was general discussion on the status and management of the police pension fund. It was the consensus of the Council that the Finance Director provides a summarization of the annual activity for the police pension fund for Council review.

### **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 as follows:

a) Landfill Closure

Staff met with GZA on October 6<sup>th</sup> to review the proposed Landfill Closure Design Plan. Based on this discussion, all agreed that additional modifications to the stormwater controls on the upper landfill could be made to further limit stormwater flow during major rain events. To incorporate the changes into the final design plan, we have postponed the public hearing on the plan until October 27<sup>th</sup>.

I last reported that the Town expected to obtain up to 6,000 cubic yards soil from a construction site on East Shore Road to be used as cover material for the Landfill closure. Through the cooperation of the owner and contractor, we have been able to truck twice this amount and have met our full need for cover material. To date, all test results of soil samples are in compliance with environmental standards for the proposed use.

In additional comments to the Council, the Town Administrator noted that he has been informed that there will be over 12,000 cubic yards of soil available to the Town, at a savings of over \$100,000.

b) Highway Barn/ Salt Shed

Footings for the Highway Barn were poured during the week of October 6 – 10. Steel is scheduled for delivery this week. The structure will be erected and closed to the weather within four to six weeks. Based on the bid cost for installation of a four-post, mobile hydraulic lift of \$36,000, the project budget can accommodate this important equipment.

The contractor will finish construction of the exterior shell of the Salt Shed by the end of the week and will complete site work by the end of the month.

c) Rhode Island Energy Aggregation Program

The League of Cities and Towns received six (6) proposals from energy suppliers for bulk purchase of electricity. As noted on the attached correspondence, none of the offers met the League's conditions for a long-term contract and, therefore, all were rejected. The League Board of Directors and energy consultant are re-evaluating purchase options and will develop a new strategy to address fluctuating market conditions.

The Town Administrator informed the Council that he expects an update to be available to the Council as new information is received.

d) E-Waste Recycling

DPW Director Steve Goslee has worked with Cartridge World to place a 10-yard container at the Transfer Station for collection of electronic waste. As discussed at the August 25<sup>th</sup> meeting, Cartridge World will accept computers, monitors, printers, and other electronic waste including small televisions at no charge. Televisions weighing more than 80lbs. (32" and above) can be disposed of at a cost of \$5.00. To inform residents of this recent e-waste recycling option, we will place a display advertisement in the Jamestown Press.

The Town Administrator noted that an IPOD has been located at the Transfer Station is the acceptance of electronic waste has begun. There was some concern expressed by the Council as to the process in which e-waste would be collected and who would be responsible for the stacking of the material. The Town Administrator noted that the procedures are still being worked out.

e) Joint Work Session with School Committee

The School Superintendent and I are proposing that the joint meeting with the School Committee be held on Thursday, October 30<sup>th</sup> at 7:00 pm. The agenda will include preliminary discussion on major issues that will influence the FY 2009/10 budget and consideration of the scope of a management and organization study of Town and School operations.

The Town Administrator was asked to inform the Council when the location has been decided for the work session.

2) Town Clerk re: Meeting Notice for October 20, 2008

Council President DiGiando announced that there would be a work session held on October 20, 2008 at 6:30 p.m. at the Town Hall to discuss plans for the future use of the highway barn at Fort Wetherill.

3) Finance Director's Report

No action taken.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

None

## **COMMUNICATIONS AND PETITIONS**

- 1) Copy of letter from Charlotte Zarlengo, President, Jamestown Shores Association, to Kevin R. Cute, Coastal Resources Management Council

re: opposition to Jamestown Harbor Commission's proposal to designate Head's Beach as a mooring area

It was moved by Councilor Kelly, seconded by Councilor White to accept the copy of a letter from Charlotte Zarlengo to Coastal Resources Management Council. So voted with four in favor.

- 2) Letter from Varoujan Karentz re: supporting a restricted or controlled use of the Hull Cove Right-of-Way in order to allow the ecological damage that has taken place to recover

It was moved by Councilor Sutton, seconded by Councilor White to accept the communication from Varoujan Karentz. So voted with four in favor.

Councilor Sutton suggested that the Hull Cove Right-of-Way be evaluated to insure its safe access and to determine if it has been overused as stated in Mr. Karentz's letter. The Council discussed the possibility of reviewing the condition and use of several other rights-of-way. There was also discussion is managing some rights-of-way in the manner in which the State does when they close an area because of environmental concerns. It was thought that Hull Cove could be used as a model or test case for right-of-way management.

It was the consensus of the Council that the Town Administrator be instructed to assess the Hull Cove right-of-way to determine if there are any adverse ecological conditions or safety issues that might require restricted use.

- 3) Letter from John M. Verdecchia, Esq. representing W. Patricia McMahan re: claim for personal injuries

It was moved by Councilor Kelly, seconded by Councilor White to accept the communication from John M. Verdecchi, Esq. So voted with four in favor.

The Town Solicitor noted that this claim for personal injuries would be forwarded to the InterLocal Trust.

- 4) Letter from Mark E. Brasil requesting permission to have Verizon install three poles on the south side of Court Street

It was moved by Councilor Sutton, seconded by Councilor White to accept the letter of request from Mark Brasil.

There was some discussion on the procedure relating to requests for the installation of telephone/electrical poles. In the past, the Council would receive those requests directly from Verizon or National Grid, whereby the Council would refer them to the Director of Public Works.

The Town Solicitor noted that Verizon and National Grid have changed their policy and are now requiring individuals to obtain permission directly from the city or town in which the poles are to be located prior to any consideration.

Mr. Brasil stated that he was following the directions of Verizon in order to have these poles installed on a Town right-of-way.

It was moved by Councilor Kelly, seconded by Councilor White to refer Mr. Brasil's request to the Town Administrator for the final disposition of this matter. So voted with four in favor.

### **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) **Request for Motion** to advertise for extended hours [according to RIGL 5-24-1 (a) & (b)] in the Jamestown Press in the October 16<sup>th</sup>, 23<sup>rd</sup> & 30<sup>th</sup> editions for a public hearing on **November 10, 2008**:
  - a) NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on the 10<sup>th</sup> of November 2008 at 7:00 p.m. at the Jamestown Town Hall in the Rosamond A. Tefft Town Council Chambers, 93 Narragansett Avenue, Jamestown, RI pursuant to 5-24-1 of the General Laws of Rhode Island, 1956, and as amended, upon the following application:

#### **RENEWALS:**

Hina Enterprises, Inc..  
dba: Jamestown Mobile  
35 Narragansett Avenue  
Plat 9 Lot 246

**APPLICATION OF HINA ENTERPRISES, INC., Inc.** dba: **Jamestown Mobile**, for renewal of additional operational hours between 2:00 AM and 6:00 AM for the said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open 24 hours per day.

Cumberland Farms, Inc.  
dba: Cumberland Farms Store #1108  
41 North Main Road  
Plat 8 Lot 626

**APPLICATION OF CUMBERLAND FARMS, INC., dba: Cumberland Farms Store #1108**, for renewal of additional operational hours between 5:00 AM and 6:00 AM for said establishment, holder of a Victualing License issued by the Town of Jamestown. If granted, this will allow this establishment to continue to be open from 5:00 AM to 2:00 AM daily (RIGL 5-24-1 allows this establishment to be open until 2:00 AM).

It was moved by Councilor Kelly, seconded by Councilor White to advertise the renewal applications for extended hours as presented in the Jamestown Press on October 16, 23, and 30, 2008 for the following establishments:

Hina Enterprises, Inc..  
dba: Jamestown Mobile

35 Narragansett Avenue  
Plat 9 Lot 246

and

Cumberland Farms, Inc.  
dba: Cumberland Farms Store #1108  
41 North Main Road  
Plat 8 Lot 626

It was so voted with four in favor.

### **OPEN FORUM**

- 1) Scheduled request to address

None

- 2) Non-scheduled request to address

None

### **APPOINTMENTS AND RESIGNATIONS**

None

### **UNFINISHED BUSINESS**

- 1) Insecticides as outlined in letter from Nancy Cloud (continued from 8/25/2008)

The Town Administrator reviewed the information on the pesticide permethrin as provided by the Town's Environmental Scientist. Administrator Keiser noted that permethrin is approved by the Environmental Protection Agency (EPA). However, the National Pesticide Telecommunications Network indicates that there is a low to moderate toxicity level to humans.

The Council discussed the use of permethrin as a broadcast spray for tick control as recommended by Dr. Mather in his presentation to the Council in 2006. Although the Town does not use permethrin as part of any pest control methods, it was thought that it would be prudent to pass on the information to the community because the pesticide can be used through commercial spraying for tick control.

It was the consensus of the Council to instruct the Town Administrator to arrange for information regarding the use of permethrin to be posted on the Town's website.

### **NEW BUSINESS**

- 1) Report on Town Investments (per Councilor Kelly)  
Previously discussed.
- 2) Outline of grant received from Rhode Island Resource Recovery Corporation (per Councilor Kelly)

Councilor Kelly stated that the grant funds received from the Rhode Island Resource Recovery Corporation will be used to develop a calendar promoting recycling. The calendar will be printed by the Jamestown Press. It will provide a schedule for recycling events, as well as information on recycling. Councilor Kelly announced that there are free composting bags available for yard waste at the Jamestown Hardware and the Secret Garden Flower Shop. In addition, Councilor Kelly noted that the Jamestown Press will be publishing the Town's recycling numbers on a monthly basis in order to track and encourage the continued increase in our recycling rate.

- 3) Town Charter Review Committee
  - a) proposed charge
  - b) scope of review
  - c) membership of committee

The Council discussed the requirement of the Charter Review (Revision) Committee as outlined in Section 1201 of the Jamestown Charter.

The Town Solicitor noted that Section 1201 of the Charter requires the Council to appoint a Charter Review Committee – not longer than six years. However, the Council has the ability to limit the scope of that review. Questioned as to whether a Council person can be appointed to the Committee, the Town Solicitor noted that there are no restrictions to a Council member being appointed to the Committee.

The Council discussed charging the Charter Review Committee with polling the community and staff on whether there is a need for changes to the Charter, and if so, what those changes are. Those comments would be brought back to the Council for their review.

Asked if there are any sections of the Charter that impede the Town staff from fulfilling the requirements of their jobs, the Town Administrator answered that he has not had any indication from anyone that there is a need for Charter changes.

Charge:

It was moved by Council President DiGiando, seconded by Councilor Sutton that a Charter Review Committee be formed to solely determine the need for Charter change. So voted with four in favor.

Scope:

Council President DiGiando stated that the scope of the review will be determined by what we hear back from the committee.

Membership:

It was moved by Councilor Kelly, seconded by Councilor White that the committee consists of not more than seven members. So voted with four in favor.

- 4) Award of Bid re: Pier Improvement Project at East Ferry Marina to WH Peppes General Contractor, Inc. for an amount not to exceed \$213,340.00

It was moved by Councilor White, seconded by Councilor Kelly to award the bid for the pier improvement project at East Ferry Marina to WH Peppes General Contractor, Inc. for an amount not to exceed \$213,340.00.

The Council discussed their concerns with any intentions to pour concrete in the winter months. It was the consensus of the Council that the standards for pouring concrete in the cold weather be quantified in the contract. The Town Administrator informed the Council that Michael Gray, Town Engineer, will be working on site with the contractors.

So voted with four in favor.

### **COUNCIL SITTING AS THE BOARD OF WATER AND SEWER COMMISSION**

It was moved by Commissioner White, seconded by Commissioner Kelly to open the meeting of the Board of Water and Sewer Commission at 9:05 p.m. So voted with four in favor.

1) Payment of Bills

It was moved by Commissioner Sutton, seconded by Commissioner DiGiando to pay the bills as presented.

Commissioner Sutton asked for additional information prior to voting on the approval of payment.

Councilor Sutton asked to amend the motion to be consistent with the Town Administrator being satisfied that the bills are in order. No second was made and the main motion was tabled to the October 20, 2008 meeting.

It was moved by Councilor Sutton, seconded by Council President DiGiando to close the Board of Water and Sewer meeting at 9:10 p.m. So voted with four in favor.

### **ADJOURNMENT**

It was moved by Councilor White, seconded by Councilor Kelly to adjourn the Town Council meeting at 9:12 p.m. So voted with four in favor.

Attest:

Arlene D. Petit  
Town Clerk

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