

TOWN COUNCIL MEETING

November 10, 2008

At a regular meeting of the Jamestown Town Council was preceded by Committee interviews and called to order at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue at 7:02 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.
Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator
Peter D. Ruggiero Town Solicitor
Arlene D. Petit, Town Clerk
Michael Gray, Town Engineer
Lisa W. Bryer, Town Planner

present for GZA GeoEnvironmental, Inc.:

Edward Summerly, P.G., Principal
Todd Greene, P.G., Senior Project Manager

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Council President DiGiando congratulated newly elected Representative Deborah L. Ruggiero.

It was the consensus of the Council to forward a letter of appreciation to Representative Bruce J. Long for his many years of dedication and service to the residents of Jamestown.

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.

Notice Is hereby given by the Town Council of the Town of Jamestown, being the Licensing Board in said Town as provided under Title 3, Chapters 1-12 of the General Laws of Rhode Island 1956, and as amended that the following RENEWAL applications have been received by the Town Council for licenses under said Act, for the year December 1, 2008 to November 30, 2009:

A hearing for the renewal of Alcoholic Beverage Licenses was called to order at 7:15 p.m. by Town Council President Julio J. DiGiando.

Council President DiGiando called for public comment on the renewal licenses.

No one present spoke for or against the applications as presented.

The period for public comment was closed.

The Town Clerk informed the Council that there were several non-compliant licenses that could not be issued without obtaining the necessary documents or signatures.

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to approve the renewal of Alcoholic Beverage Licenses as follows, subject to the resolution of debts, taxes and appropriate signatures and receipt of State certification. So unanimously voted.

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 Tropicgrille

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

It was moved by Councilor Kelly, seconded by Councilor White to move the proposed 100% Closure Design for the former landfill up on the agenda. So unanimously voted.

New Business

1) Proposed 100% Closure Design for the former landfill
Town Engineer Michael Gray noted that the schematic closure plan incorporates the requirements associated with construction as outlined in the RIDEM Remedial Decision Letter as attached (*November 6, 2008 letter to Bruce Keiser from GZA GeoEnvironmental, Inc. entitled "Revised Closure Plan Schematic Submittal Former Jamestown Landfill Property, Jamestown, Rhode Island"*)

Mr. Gray also informed the Council that after reviewing the concerns of residents at the meeting held on October 27, 2008 and in consultation with GZA GeoEnvironmental, Inc. engineers, changes were made to the plan (as noted in *the November 6, 2008 letter to Bruce Keiser from GZA GeoEnvironmental, Inc. entitled "Revised Closure Plan Schematic Submittal Former Jamestown Landfill Property, Jamestown, Rhode Island"*).

Mr. Summerly answered Council questions regarding the changes to the plan as presented. The Council shared concerns relating to the removal of the large storage shed and requested that an area be set aside on the paved material storage platform for the equipment storage that was planned for the shed.

An additional request by the Council was to include GZ-1 in the quarterly monitoring program.

Mr. Summerly and Mr. Greene addressed concerns and questions directed to the Council by several residents. One concern addressed at length was the removal of the hydrodynamic separator as part of the stormwater management plan. Both Mr. Greene and Mr. Gray stated that the stormwater management plan designed for the landfill closure will accord+ the same level of pollutant protection without the high cost of the hydrodynamic separator.

It was moved by Councilor Sutton, seconded by Councilor Kelly to amend the plan to include a 30 x 40 foot rectangle on the black top storage area for equipment storage and to include well GZ-1 in the quarterly monitoring program, and with those additions the 100% plan is approved by the Town Council and submitted to the Rhode Island Department of Environmental Management for their approval. The vote was Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, nay; Council President DiGiando, aye. The motion passed with three in favor and two opposed.

*The November 6, 2008 letter from GZA GeoEnvironmental, Inc. to Bruce Keiser, Town Administrator "Revised Closure Plan Schematic Submittal Former Jamestown Landfill Property Jamestown, Rhode Island" and the design plan "Former Jamestown Landfill RAWP & Closure Design – revised 11/5/2008" with additional provisions noted **are made part of these minutes.***

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 #2 be removed from the Consent Agenda. It was moved by Councilor Szepatowski, seconded by Council President DiGiando to approve the Consent Agenda as amended. Councilor White abstained because of his absence on October 20, 2008. So voted with four in favor and one abstention.

The amended Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) October 20, 2008 (work session)
 - b) October 27, 2008 (regular session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (09/23/2008)
 - b) Fort Getty Master Plan Committee (10/02/2008)
 - c) Planning Commission (10/22/2008)
- 4) CRMC Notices:
 - a) Application for Assent to construct and maintain a recreational boating facility to consist of a 4' x 149' fixed timber pier with stairways to a terminal 4' x 20' access landing. Dock also includes a #1200 boat lift system and batter piles. Terminus of dock extends to 77' beyond mean low water requiring a 22' length variance from the 50' MLW standard
 - b) Agenda – Semi-Monthly Meeting
- 5) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) Town of Middletown re: resolution requesting the RIDE (Rhode Island Department of Elderly Affairs) transportation co-share directive be rescinded
- 6) Newport Convention & Visitor's Bureau Auditors Report for the year ending March 31, 2008

Fort Wetherill Highway Building

Councilor Sutton asked that discussion regarding the Fort Wetherill highway building be scheduled for January 12, 2009 and that the public is duly notified.

2) Finance Director's Report

No action taken.

3) Memorandum from the Fort Getty Master Plan Committee re: Issues of Agreement to Develop a Sailing Center at Fort Getty and request for extension and expansion of the Fort Getty Committee

Mary Meagher, Committee Chair, gave an update to the Council on the progress being made on the land use plan for Fort Getty. In addition, Ms. Meagher stated that the sailing program which was being considered as part of the Master Plan for Fort Getty has sparked an offer from the Fast Sailing Foundation to fundraise and assist in the development of a town-owned sailing center on town property at Fort Getty. Ms. Meagher stated that the Town and FAST would develop a Memorandum of Agreement for use of the property and facilities.

The Town Planner asked that the Fort Getty Master Plan Committee be given some leeway in talking to the FAST group, understanding that the Committee cannot make any commitments. However, the Committee could flush out issues and ideas that would allow the Council to make a decision as to whether this type of a sailing center would work. Ms. Bryer commented that although a sailing center was in the Master Plan, it was not in the forefront because of the funding that would be required. Working with FAST would be a way of moving it forward ahead of schedule.

Council President DiGiando asked Ms. Bryer if the Committee would be ready for a work session in January for interested parties to sit down and discuss the plans for Fort Getty. Ms. Bryer indicated that the Committee would be available for the work session. Council President DiGiando suggested the Parks and Recreation Director be invited as well as the following committees:

- Jamestown Harbor Commission
- Jamestown Conservation Commission
- Wind Energy Committee
- Fort Getty Master Plan Committee
- Building and Facilities Committee

It was the consensus of the Council to hold the work session on Thursday, January 22, 2009.

PUBLIC HEARING

It was moved by Councilor Szepatowski, seconded by Councilor White to open the public hearing for the renewal of Victualing Licenses with extended hours at 8:35 p.m.

Council President DiGiando called for public comment on the renewal of the Victualing Licenses with extended hours.

No one present spoke for or against the applications as presented.

It was moved by Councilor Szepatowski, seconded by Councilor White to close the public comment portion of the hearing at 8:40 p.m...

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the renewal of the Victualing License with extended hours for Hina Enterprises, Inc. dba: Jamestown Mobile for additional operational hours between 2:00 a.m. and 6:00 a.m., subject to the resolution of debts, taxes and appropriate signatures and receipt of State certification. **AND**

to approve the renewal of the Victualing License with extended hours for Cumberland Farms, Inc., dba: Cumberland Farms Store #1108, for additional operational hours between 5:00 a.m. and 6:00 a.m.

So unanimously voted.

- 1) Hearing duly advertised for extended hours [according to RIGL 5-24-1 (a) & (b)] in the Jamestown Press in the October 16th, 23rd & 30th editions for a public hearing on **November 10, 2008**:
NOTICE is hereby given that there will be a public hearing by and before the Town Council of the Town of Jamestown on the 10th 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).

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Grant Award to the Town of Jamestown from the Rhode Island Economic Development Corporation in the amount of \$30,000 for the purpose of paying for a thorough feasibility study to determine the viability of erecting and operating wind turbines in the Town of Jamestown.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the correspondence regarding the \$30,000 grant award from Rhode Island Economic Development Corporation. So unanimously voted.

The Town Administrator noted that this grant requires matching funds. To date, the Wind Energy Committee has received \$25,000 from the Town Council. The Council would need to approve an additional \$5,000 in order for the Wind Energy Committee to use these funds.

It was the consensus of the Council that the Wind Energy Committee be instructed to provide a recommendation on how these funds would be used.

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.

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Multi-License renewal licenses as listed subject to the resolution of debts, taxes and appropriate signatures; and to approve the Victualing License renewals as listed subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

- 1) **Multi-License renewal applications:**
 - a) Long Wharf Marina Restaurant, Inc. dba: **Bay Voyage Inn**
 - i) Entertainment Fee (full year)
 - ii) Victualing License
 - b) Islandish, Ltd. dba: **Chopmist Charlies**
 - j) Entertainment Fee (full year)
 - ii) Victualing License
 - c) Conanicut Yacht Club dba: **Conanicut Yacht Club**
 - i) Entertainment (full year)
 - ii) Victualing License
 - d) BADA Bing, Inc. dba: **House of Pizza**
 - i) Victualing License
 - ii) Pinball/Video Game (1)
 - e) Jamestown Restaurant Group, LLC dba: **Narragansett Café**
 - i) Entertainment (full year)

- ii) Jukebox (1)
 - iii) Pool Table (1)
 - iv) Pinball/Video (1)
 - f) Portuguese American Citizens Club dba: **Portuguese American Citizen's Club**
 - i) Entertainment (full year)
 - ii) Victualing License
 - iii) Jukebox (1)
 - g) Trattoria Simpatico, Inc. dba: **Trattoria Simpatico**
 - i) Entertainment (full year)
 - ii) Victualing License
 - h) SeaDish, Ltd. dba: **Tricia's Tropigrille**
 - i) Entertainment (full year)
 - ii) Victualing License
- 2) **Victualing License renewal applications:**
- a) Ace's Pizza, Inc. dba: **Ace's Pizza**
 - b) Del's Lemonade & Refreshments, Inc. dba: **Del's of Jamestown** (mobile unit) at Ft. Getty, Mackerel Cove, Head's Beach, Taylor Point
 - c) East Ferry Market, Ltd. dba: **East Ferry Deli & Market**
 - d) BADA Bing, Inc. dba: **Freddie Bing's Hotdog Thing** (cart) East Ferry area
 - e) Grapes & Gourmet, Inc. dba: **Grapes & Gourmet**
 - f) New England Golf Course Management, Inc. dba: **Jamestown Golf & Country Club aka: Caddy Shack**
 - g) Jamestown Oyster Bar, Inc. dba: **Jamestown Oyster Bar**
 - h) Varsha, Inc. dba: **Jamestown Wine & Spirits**
 - i) TMT Corp dba: **McQuade's Supermarket**
 - j) Jian Sheng Ni dba: **Peking Garden**
 - k) Slice of Heaven, Inc. dba: **Slice of Heaven**
 - l) Lucky Ridge Co., LLC dba: **Spinnakers Café**
 - m) Lucky Ridge Co., LLC dba: **Spinnakers Café** (mobile unit) Ft. Getty, Mackerel Cove Beach (parking area) and East Ferry
 - n) Barbara and Michael Gallo dba: **Theatre Family Restaurant**
 - o) Doriana Carelly/The Village Hearth dba: **The Village Hearth**
- 3) **Exhibition License**
- a) Village Christmas Tree Lighting
Town Green – East Ferry
December 6, 2008
5:30 p.m. to 9:00 p.m.
 - b) CIAA Holiday Craft Fair (with vendors)
Melrose School
76 Melrose Avenue
December 6, 2008
9:00 a.m. to 4:00 p.m.
- 4) **One Day Peddler License Application (two-day event)**

- a) Jamestown Community Theater
Community Center
41 Conanicus Avenue
November 15 and November 16, 2008
4:00 p.m. to 6:00 p.m.
(sale of baked goods at intermission)

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the following licenses: the Exhibition License for the Village Christmas Tree Lighting at the Town Green, East Ferry on December 6, 2008 from 5:30 p.m. to 9:00 p.m.; the CIAA Holiday Craft Fair (with vendors) at Melrose School, 76 Melrose Avenue on December 6, 2008 from 9:00 a.m. to 4:00 p.m.; and to approve the One Day Peddler License for two-day event for the Jamestown Community Theater at 41 Conancius Avenue on November 15 and November 16, 2008. All licenses approved subject to the resolution of debts, taxes and appropriate signatures. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address

None

- 2) Non-scheduled request to address

Rosemary Woodside, Skysail Court, expressed concern that the GZA analysis shows high levels of chromium and lead.

Leo Errara, Riptide Street, stated that there has been no resolution to the animal control issue at 147 Beach Avenue.

The Town Solicitor advised that Mr. Errar's concerns are better addressed through the Town's enforcement officers.

Jill Anderson, West Reach Drive, asked why any licensing deficiencies were not discussed.

Raymond Iannetta, North Main Road, stated that he is very concerned with the water quality on his property.

Susan Little, North Main Road, stated that the 30% design states that all roads and storage areas must be paved at the former landfill.

Robert Bowen, Capstan Street, asked if there could be more notice given to the public for the Fort Getty Master Plan Committee meetings.

Norma Willis, North Main Road, commended Michael Gray, Town Engineer, on his work to protect the water quality on properties surrounding the former landfill.

Councilor Szepatowski, Riptide Street, stated that GZA GeoEnvironmental should be expected to answer the questions and concerns of residents and not the Town Engineer.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Proposed 100% Closure Design for the former landfill; *if favorable, motion to approve*

Previously discussed.

- 2) Jamestown Housing Authority re: request to forgive the PILOT for the years 2008 and 2009

It was moved by Councilor Szepatowski, seconded by Councilor White to forgive the payment in lieu of taxes (PILOT) for the Jamestown Housing Authority for the years 2008 and 2009. So unanimously voted.

- 3) Verizon Communications re: petition for Verizon Communications and the Narragansett Electric Company to place three (3) joint poles and one anchor guy location on Court Street

There was some concern that the poles as indicated in the drawing, were not on the public right-of-way but were on private property.

It was moved by Councilor Szepatowski, seconded by Council President DiGiando to approve the petition of Verizon New England, Inc and The Narragansett Electric Company for the placement of three (3) new joint poles and one (1) anchor guy to be located on the public right-of-way only at Court Street as indicated in the petition under the supervision of the Public Works Director. So unanimously voted.

Councilor Kelly asked if it would be possible to request that all utility wires be located underground for future projects.

It was the consensus of the Council to instruct the Town Administrator to inquire if future utility wiring be put underground.

- 4) Construction Activities re: consideration of revisions to the Zoning Ordinance

The Town Administrator noted that there have been several neighborhood complaints regarding early morning and late evening construction noise, dust and lighting disturbances. The Town Administrator stated that presently the Code of Ordinance is limited to noise only and suggested that the Council consider enacting an ordinance that

would limit the hours of construction as well as regulations on dust control and construction lighting.

The following residents asked for Council assistance in controlling the amount of disturbance a construction project can cause in a neighborhood:

John and Laura Vetter, East Shore Road
Kim McDonough, Standish Road
William Sprague, Reservoir Circle

Councilor Sutton suggested that an immediate solution might be to instruct the Building Official to contact the builder and inform him that construction activity should not begin until 7:00 a.m. and cease at 6:00 p.m.

The Town Solicitor informed the Council that there are no legal means of enforcement on these construction disturbances without an ordinance limiting conditions.

Following additional discussion, it was the consensus of the Council to direct the Town Solicitor to draft an ordinance for a hearing on November 24, 2008. The ordinance should address the health, safety and welfare of neighboring properties of construction sites. Noise, construction dust and lights should be included in an ordinance limiting time of construction from 7:00 a.m. to 6:00 p.m. Monday through Fridays. No construction on Sundays or Holidays.

5) December Meeting Schedule

It was moved by Council President DiGiando, seconded by Councilor Szepatowski to change the December meeting schedule to one meeting, to be held on Monday, December 15, 2008. This meeting will begin at 6:00 p.m. for the Board of Water and Sewer Commission and at 7:00 p.m. for the Town Council. So unanimously voted.

6) Notice of Litigation re: Mark A. Bard v. Zoning Board of Review Members

Council President DiGiando noted the Notice of Litigation. No action was taken.

EXECUTIVE SESSION

It was moved by Councilor Szepatowski, seconded by Councilor White to enter into executive session at 9:50 p.m., pursuant to RIGL 42-46-5 (a) (5) real estate, acquisition of property; pursuant to RIGL 42-46-5 (a) (5) real estate, sale of town property; and pursuant to RIGL 42-46-5 (a) (2) litigation, potential litigation.

It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

The Council returned from executive session at 10:30 p.m.

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

It was moved by Council President DiGiando, seconded by Councilor Szepatowski to seal the executive session minutes from the public. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

ADJOURNMENT

It was moved by Councilor White, seconded by Councilor Szepatowski to adjourn the Council meeting at 10:35 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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