

TOWN COUNCIL MEETING
JULY 28, 2008

A regular meeting of the Jamestown Town Council was preceded by committee interviews and 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
William A. Kelly
Robert W. Sutton, Jr.
Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk

Peter D. Ruggiero Town Solicitor arrived at 7:15 p.m.
Michael de Angeli, Jamestown Harbor Commission Chair
Samuel Paterson, Harbormaster
Susan Little, Jamestown Harbor Commission
Richard Anderson, Jamestown Harbor Commission
Robert Bowen, Jamestown Harbor Commission

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Rosamond A. Tefft Town Council Chambers re: acceptance of plaque by Town Council President Julio J. DiGiando
Councilor Sutton read the inscription on the plaque naming the chambers the Rosamond A. Tefft Town Council Chambers and presented the plaque for placement to John Doty, a retired long-time Town employee.

- 2) Proclamation No. 08-011 honoring Melissa Minto, Teen Coordinator
Proclamation No. 08-011 honoring Melissa Minto was read and presented by Councilor Szepatowski.

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 moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the Consent Agenda as presented. The Consent Agenda consisted of the following:

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

- b) July 14, 2008 (executive session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Conservation Commission 05/20/2008, 06/10/2008)
 - b) Planning Commission (06/18/2008)
 - c) Zoning Board of Review (06/24/2008)
- 4) CRMC Notices:
 - a) Agenda – July 22, 2008
 - b) Assent application of Bernard Maceroni, 54 Taylor Drive, East Providence to construct and maintain: install 1200 pounder tender boat lift on existing residential boating facility located at 596 East Shore Road, Plat 2, Lot 70
- 5) DEM Notices:
 - a) Draft RIPDES Remediation General Permit re: public comment July 18 through August 22, 2008
- 6) Abatements/Addenda of Taxes

VI. EXECUTIVE SESSION ANNOUNCEMENT

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

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

- 1) Town Administrator Report
 - a) Properties acquired through the process to foreclose on the rights of redemption and the expenditures to date

The Town Administrator presented a map of the Jamestown Shores with overlays depicting town-owned land, wetlands, lots acquired by the town through the foreclosure on the rights of redemption, lots pending in court through the foreclosure on the rights of redemption, tax lots awaiting action, and tax lots redeemed by owners. Of these lots (94 in all), the Town Administrator reported the following:

49 lots	Town Owns Title
10 lots	Pending Court Action
35 lots	Awaiting Action

The Town Administrator noted that the total cost for acquiring this property from June 2007 to June 2008 was \$137,417.00. Of that amount, \$115,807.00 was received through the taxes paid on redemptions by owners (11), for a total cost to the Town of \$21,610.00.

The Town Administrator also noted that the Conanicut Island Land Trust has acquired 17 lots, and there were 11 lots donated to the Town, for a total of **77 protected lots**.

The Council discussed the need for standards and methods for the assessment of the cumulative effects on the environment of Jamestown properties by State regulatory actions and decisions. In addition, the Council mentioned the local ordinances passed to protect those properties dependent on private and public wells.

The Town Administrator noted that he is working with the Department of Environmental Management to initiate a meeting to share ideas and to address the issues of cumulative impact. The meeting is expected to be held in September.

b) Clancy Zoning Appeal

The Town Administrator informed the Council that Attorney Larry Parks has submitted to the Clerk of the Court the Council's resolution concerning the use of the glass studio for retail sales with the stipulated restrictions.

c) Police Station Renovations

There were three responses to the public notice for Request for Proposals for architectural services for the police station renovations. The Town Administrator reported that the Town Engineer, Building Inspector, and he would be reviewing the proposals for a recommendation to the Council for award of bid at the next Council meeting.

d) Sole Source Aquifer

The Town Administrator was informed by Karen Maguire of the Environmental Protection Agency that the Regional Administrator has completed a review of the Sole Source Aquifer Petition and concludes that the Conanicut Island aquifer qualifies for designation as a sole source aquifer and that that recommendation will be forwarded to the Washington Headquarters for final review.

Councilor Sutton spoke in opposition to the sole source aquifer designation and asked the Council to consider a motion to inform the Environmental Protection Agency that the Council is against this action. Upon the recommendation of the Town Solicitor, this request will be on the agenda for the next Council meeting.

e) Bike Path Design Committee

The Town Administrator informed the Council that he has requested the appointment of Lambri Zerva, P.E. of the Department of Transportation as the State representative on the Bike Path Design Committee.

f) Landfill Remediation

The Town Administrator stated that the Town Engineer and a representative from GZA GeoEnvironmental will be making a presentation on the landfill remediation plan at the August 25th Council meeting.

g) Highway Barn

The Town Administrator reported that the excavation for soil remediation has been completed. We are waiting for the analytical results prior to any disposal. The contractor is scheduled to begin work the beginning of August.

Councilor Sutton suggested that a hydraulic lift be installed at the new highway facility

h) Road Paving Improvements

The Town Administrator informed the Council that road improvement work has begun on Seaside Drive and Reservoir Circle. The road reconstruction of North Main Road at the

Transfer Station is being done by the Town's Department of Public Works. Funding for the project was budgeted at \$40,000.00. The project includes:

- ▶ Redesign of the entrance to provide adequate turning radius for 18-wheelers;
- ▶ Replacement of the drainage pipe under the road;
- ▶ Restoration of the drainage swale on the east side of the road
- ▶ Installation of a new gate and fencing;
- ▶ Plantings along the fence line;
- ▶ Loam and seeding of the shoulder on the west side of the road.

The Council commended the Public Works Department staff for the excellent work that they do.

PUBLIC HEARING

- 1) Proposed amendment to the Jamestown Code of Ordinances re: Chapter 70 Traffic and Vehicles, Section 87. Prohibited or restricted parking on specified streets. East Ferry Wharf (duly advertised in the Jamestown Press on July 17, 2008)

Council President DiGiando opened the public hearing at 7:48 p.m. and called for public comments.

Jill Anderson, West Reach Drive, stated that she was concerned with the safety of the location of the two fifteen (15) minute parking spots because of the proximity to traffic coming into the parking lot. Ms. Anderson suggested that the two spots be moved down two spots from their present location.

There being no further comments, the public portion of the hearing was closed at 7:50 p.m.

Council President DiGiando noted that the request for parking changes was brought to the Parking Committee and returned to the Council with the recommended amendment.

The Council discussed the possibility of moving the parking spots as suggested. Chief Tighe noted that the spots are site-specific in the ordinance and moving them may require a more comprehensive amendment. Chief Tighe noted that over the years, there have been very few accidents in that location.

There being no further Council comments, it was moved by Councilor Sutton, seconded by Councilor White to adopt the proposed amendment to Chapter 70, Sec. 87 Prohibited or restricted parking on specified streets as follows:

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.

East Ferry Wharf, no parking on the easterly side and southerly side for more than two hours between 8:00 a.m. and 6:00 p.m. daily with the exception of two parking spaces at the southwesterly corner of East Ferry Wharf, where there shall be no parking for more than 15 minutes between the hours of 8:00 a.m. and ~~6:00~~ **9:00** p.m. daily, and five parking spaces on the southeasterly corner where there shall be no parking for more than 30 minutes between 8:00 a.m. and 6:00 p.m. daily.

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.

So unanimously voted.

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Barbara and Bill Ritter re: opposition to establishing a Shoreby Hill Historic District

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from Barbara and Bill Ritter. So unanimously voted.

- 2) Letter from John G. Plowden re: restoration of the golf course advisory committee

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from John G. Plowden. So unanimously voted.

It was the Council consensus to hold any further discussion regarding the restoration of the Golf Course Advisory Committee until Open Forum.

- 3) Don Miller, President Conanicut Island Art Association, re: request for permission to promote the Town Hall Gallery by placing a permanent sign on the front corner of the Town Hall building noting "Town Hall Gallery"; holding a "Gallery Night: once per week, when the Town Hall would remain open until 7:30 p.m. or 8:00 p.m.; and placing a sandwich board outside Town Hall on "Gallery Night" to attract more potential Gallery visitors

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter from Don Miller, President of Conanicut Island Art Association. So unanimously voted.

Although there was a consensus of the Council being in favor of displaying artwork at the Town Hall, the following concerns were raised:

- Building security; reluctant to assign building security to anyone but an employee
- Permanent signage indicating “Town Hall Gallery”; Council not in favor of permanent signage

It was the consensus of the Council to continue this discussion to the August 25, 2008 Town Council meeting.

- 4) Letter from Rosemary Enright, President, Jamestown Historical Society re: David M. Clancy and Jennifer R. Clancy v Town of Jamestown Zoning Board of Review with copy of Brief submitted to Superior Court by the Jamestown Historical Society Board of Directors

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from Rosemary Enright, President of the Jamestown Historical Society. 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 Permit Applications:
 - a) Application of St. Mark Church to hold the annual Church Summer Festival on August 23, 2008 from 9:00 am to 3:00 pm at 60 Narragansett Avenue. Event is open to the public; insurance is not applicable

It was moved by Councilor Kelly, seconded by Councilor White to issue an Exhibition License with Vendors Permit to St. Mark Church to hold the annual Church Summer Festival on August 23, 2008 from 9:00 am to 3:00 pm at 60 Narragansett Avenue. So unanimously voted.

- b) Application of the Jamestown Yacht Club to hold the annual Fools’ Rules Regatta on August 23, 2008 at East Ferry Beach from 8:00 am to 3:00 pm. Applicant requests to sell T-Shirts and hats at event; insurance policy attached.
 - i) Memorandum from the Director of Parks & Recreation re: request for portable restrooms

It was moved by Councilor Szepatowski, seconded by Councilor White to issue an Exhibition License with Vendors Permit to the Jamestown Yacht Club to hold the annual Fools’ Rules Regatta on August 23, 2008 at East Ferry Beach from 8:00 am to 3:00 pm to sell T-Shirts and hats at the event. The Council noted that this license was subject to there being two portable restroom, one of which must be handicap accessible. So unanimously voted.

- 2) One-Day Peddler License Applications:
 - a) Application from Longade, LLC to sell frozen lemonade on August 8, 2008 from Noon to 6:00 pm at 55 Lawn Avenue (Skate Park) during "Skatefest 2008". Proceeds will be donated to the Teen Center, RI DOH certificate as well as insurance policy attached.

It was moved by Councilor Szepatowski, seconded by Councilor White to issue a One-Day Peddler License to Longade, LLC to sell frozen lemonade on August 8, 2008 from Noon to 6:00 pm at 55 Lawn Avenue (Skate Park) during "Skatefest 2008". Councilor Szepatowski noted for the record that the vendor is donating all the profits of this sale to the Jamestown Teen Center. So unanimously voted.

- b) Application from Kingstown Pizza to sell pizza on August 8, 2008 from Noon to 6:00 pm at 55 Lawn Avenue (Skate Park) during "Skatefest 2008". RI DOH certificate as well as insurance policy attached.

The Council discussed their concerns that a for-profit vendor would be in direct competition with Jamestown's established businesses.

It was moved by Councilor Szepatowski, seconded by Councilor Sutton to deny the One-Day Peddler License to Kingstown Pizza. So unanimously voted.

- c) Application from Longade, LLC to sell frozen lemonade on August 23, 2008 from 8:00 am to 1:00 pm at East Ferry Beach during the Fools' Rules Regatta. Proceeds will be donated to the Substance Abuse Task Force; RI DOH certificate as well as insurance policy attached.

It was moved by Councilor Szepatowski, seconded by Councilor White to issue a One-Day Peddler License to Longade, LLC to sell frozen lemonade on August 23, 2008 from 8:00 am to 1:00 pm at East Ferry Beach during the Fools' Rules Regatta. Councilor Szepatowski noted for the record that the vendor is donating all the profits of this sale to the Substance Abuse Task Force. So unanimously voted.

- 3) Fort Getty Pavilion One-Day Entertainment License Application:
 - a) Application of the Jamestown Chamber of Commerce dba: "Gettywood" to have a band on August 15, 2008 from 6:30 to 10:00 pm; insurance policy attached.

It was moved by Councilor Szepatowski, seconded by Councilor White to issue the Fort Getty Pavilion One-Day Entertainment License to the Jamestown Chamber of Commerce dba: "Gettywood" to have a band on August 15, 2008 from 6:30 to 10:00 pm. Councilor Szepatowski noted that the Chamber of Commerce is donating proceeds to the Jamestown Theatre. 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.

b) John G. Plowden re: restoration of the golf course advisory committee (as requested in letter to the Council - Communications)
Mr. Plowden read a statement to the Council indicating why he believed the Golf Course Advisory Committee should be reestablished. One of the concerns expressed by Mr. Plowden was the planting of trees on the golf course where no trees were planted before. Mr. Plowden stated that without such a committee there is no way for residents to express their opinions. This committee could be advisory and give input in the development of a master plan for the golf course.

Councilor DiGiando explained to Mr. Plowden that at the last Council meeting, it was decided that the Town Administrator would interact with the abutters and the Mistowskis to resolve these types of issues.

Councilor Sutton noted that when the property was purchased there were public discussions held whereby it was decided to operate a professional golf course on the property. In answer to Councilor Sutton's question regarding the "rights to a view", the Town Solicitor stated that Rhode Island law does not recognize views.

Councilor Kelly invited Mr. Plowden to the Building and Facilities Committee meeting on July 30.

c) Catherine Norton re: water saturation on Clarkes Village Road
Catherine Norton was not present.

2) Non-scheduled request to address
The following individuals spoke in favor of requiring neighborhood input into the landscaping of the Jamestown Golf Course:

Shawn Mayers, Whittier Road
Corrine Colarusso, Calvert Place
Sav Rebecchi, Sail Street
William Munger, Conanicus Avenue
Victor Barchers, Calvert Place
Will Thomas, Whittier Road
Jack Sheehan, Clarke Street
Laura Goldstein, Calvert Place
Jack Brittain, Conanicus Avenue
John Plowden, Calvert Place

Leo Errara, Riptide Street, asked what the process for identifying streets to be paved was. Mr. Errara stated that Hull Street was prepared for paving four years ago and never completed.

It was the consensus of the Council that the Town Administrator would look into the paving of Hull Street.

Charlotte Zarlengo, Seaside Drive, thanked the Council for their on-going efforts to protect the water supply in the Jamestown Shores.

Susan Little, North Main Road, asked that a silt fence and hay bales be put on the west side of the road work at the Transfer Station in order to protect the freshwater wetlands in that area. Ms. Little suggested that the Council institute a "pay as you throw" policy at Fort Getty.

Sav Rebecchi, Sail Street, suggested that the Council direct Mr. Parks to investigate acquiring property through the rights of redemption in an area where more people would benefit, rather than concentrating those efforts on property that benefits a fewer number of people.

Robert Dolan, Coronado Street, inquired when the State would finish the repairs to the sidewalk along East Ferry Beach.

Joseph Mistowski, Conanicus Avenue, stated that over the years he has cut down 125 trees at the golf course. The replacement trees are either planted in the original spots or in areas where a liability exists.

Ellen Winsor, East Shore Road, addressed the status of the sole source aquifer petition.

The Town Administrator addressed the lease for the golf course, mentioning that there is a capital improvement plan. He stated that the communication process between the Mistowskis and the neighboring property owners has begun and will continue.

Gayen Thompson, Grinnell Street, stated that the Council Chambers is kept too cold.

The Council commented on the lease agreement between the Town and the Mistowskis (New England Golf Course Managers, Inc.). The Town Solicitor stated that the Town has a contractual relationship with the Mistowskis, which would prohibit any unilateral changes unless those changes are stated in the contract.

Councilor Szepatowski announced that she would again be serving as the Volunteer Animal Control Officer.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Harbor Commission
 - a) Letter of resignation from Terry Jones

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter of resignation from Terry Jones. So unanimously voted.

UNFINISHED BUSINESS

- 1) ~~R~~EAP Contract Renewal (continued from 7/21/2008 Board of Water and Sewer Commission meeting)
 - a) Dan Beardsley, Executive Director of the Rhode Island League of Cities & Towns will be present to answer questions

(Clerk note: Mr. Beardsley was not present – the Town Administrator presented the proposed amendment to the Council.)

- b) Proposed amendment to the contract to procure energy supply through the Rhode Island Energy Aggregation Program (REAP)
 - i) NOW THEREFORE BE IT RESOLVED THAT, the Town Council of Jamestown, does hereby declare that the Council designates Dan Beardsley, in his capacity as Executive Director of the Rhode Island League of Cities and Towns and Program Manager of the Rhode Island Energy Aggregation Program (REAP), in consultation with the League's attorney, the League Board of Directors REAP subcommittee, and the consulting firm of Stone & Webster, to act as our agent on with regard to the procurement of an energy supply contract and to have lawful authority to bind the Town in said contract. This authorization is to take effect immediately upon ~~authorization~~ passage and continue until such time as an energy supply contract is secured on behalf of the members of REAP.

It was moved by Councilor Sutton, seconded by Councilor White to approve the contract to procure energy supply through the Rhode Island Energy Aggregation Program as amended. So unanimously voted.

NEW BUSINESS

1) Sahagian vs. Jamestown Harbor Commission – Appeal to Town Council
The following documents constitute the record on appeal from the decision of the Harbor Commission:

- a) Notice of the appeal hearing date before the Town Council
- b) Procedures and Standards for Town Council Review of Appeals from Decisions of the Jamestown Harbor Management Commission
- c) Mooring Permit Wait List Application - Class 1(b)
- d) Declarations re: Ocean Highland Company
- e) Mooring Permit Wait List Application – Class 3
- f) Harbor Commission Minutes
 - i) April 11, 2007
 - ii) August 8, 2007
 - iii) September 12, 2007

Harbormaster Paterson was present and explained to the Council that he denied the original mooring permit application to Mr. Sahagian on the basis that CRMC had explained the additional mooring would classify the Mackerel Cove area as a mooring field in violation of the Town Harbor Management Ordinance.

Harbor Commission Chair Michael de Angeli noted that it was the Harbor Commission's understanding that issuing any additional moorings in the Mackerel Cove area would constitute a CRMC violation by creating a mooring field delineation. Mr. de Angeli noted that it is unclear in the CRMC guidelines as to whether a riparian mooring is considered in the count when creating a mooring field. However, Mr. de Angeli continued, CRMC representative Kevin Cute, verbally informed the Jamestown Harbor Commission that riparian moorings do count.

Following the Council review of the proceedings of the Jamestown Harbor Commission and listening to Mr. Sahagian's comments, it was moved by Councilor Kelly, seconded by Councilor DiGiando to support the decision of the Jamestown Harbor Commission to deny the mooring for Mr. Sahagian. So unanimously voted.

There being no further business before the Jamestown Town Council, It was moved by Councilor Kelly, seconded by Councilor Sutton to adjourn the meeting at 9:40 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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