

TOWN COUNCIL MEETING
May 27, 2003

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:05 PM by Council President Kenneth G. Littman. The following members were present:

David J. Long, Vice President
Julio J. DiGiando
Claire M. Ferguson
Guy J. Settipane

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Certificate of Appreciation:
 - a) Norma B. Willis
 - b) David A. Swain

It was moved by Council President Littman, seconded by Councilor DiGiando to invite Norma Willis and David Swain to the next Council meeting for the presentation of Certificates of Appreciation. So unanimously voted.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

- 1) Request of the Jamestown & Newport Ferry Company/Class G Liquor License renewal for the 2003 season to serve alcoholic beverages to their patrons while at dockside at East Ferry (issued by the State, pursuant to RIGL 3-7-15)
 - a) § 3-7-15 Class G-License

It was moved by Councilor Settipane, seconded by Councilor Long to award the Class G Liquor License renewal for the 2003 season to the Jamestown & Newport Ferry Company. It was voted four in favor with Council President Littman abstaining.

CONSENT AGENDA

It was requested that items # 3(a), 4(a), 4(b) and 5(c) be removed from the consent agenda. Motion by Councilor Long, seconded by Councilor DiGiando to approve the consent agenda as amended. So unanimously voted. The consent agenda consists of:

- 1) Adoption of Council minutes:
 - a) 04/14/2003 Regular Meeting
 - b) 04/28/2003 Regular Meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (04/22/2003)

- b) Affordable Housing (03/10/2003)
 - c) Planning Commission (05/07/2003) Work Session (04/02/2003)
 - d) Library Board of Trustees (04/15/2003)
 - e) Conservation Commission (04/15/2003)
 - f) Personnel Board (02/19/2003)
 - g) Parking Committee (03/03/2003)
 - h) Beavertail State Park Advisory Committee (10/16/2002)
 - 4) CRMC Notices:
 - 5) DEM Notices:
 - a) Draft RIPDES General Permit for Non-Contact Cooling Water Discharges
 - b) Draft RIPDES General Permit for Discharges Associates with the Treatment of Gasoline Contaminated Groundwater
 - c)
 - d) Jamestown Wastewater Control Facility Compliance Evaluation Inspections 06/13/2001 and 06/19/2003
 - 6) Resolutions/Proclamations of other Rhode Island Cities & Towns:
 - a) Town of Smithfield re: Support for the passage of H6147 (public libraries)
 - b) Town of Hopkinton re: Support of S180 and H5081 (separation of Powers)
 - c) Town of Coventry: Support of Statewide Public Safety Training Facility
 - d) Town of Little Compton re: Support of S180 and H5081 (separation of Powers)
 - 7) Navy Station Newport Restoration Advisory Board Meeting Minutes 04/16/2003
 - 8) Town of Jamestown as an abutter notification re: Class A liquor License application of Grapes & Gourmets, Inc dba: Grapes & Gourmets; proposed location at 9 Ferry Wharf
 - 9) Abatements/Addenda of Taxes
- *****
- 3) Minutes
 - b) Affordable Housing 04/14/2003)

Council President Littman noted that the minutes referred to the criteria to be used when the light house becomes available for lease and requested that the Town Administrator provide the new Council members with this information.

- 4) CRMC Notices
 - a) Notice of Modification:
 - i) David & Sally Ryan, 101 Melrose Avenue, Jamestown re: modification to a residential boating facility

Councilor DiGiando noted that the Harbor Management Commission has not had a chance to review the application from David & Sally Ryan. The Town Administrator suggested that she discuss this item with Chief Tighe for his recommendations.

- b) Notice of Violation:
 - i) Brian Larkin, 159 Legion Way, Cranston re: boat broken upon shore located at Seaside Drive

Councilor DiGiando noted that the boat wreck should be brought to the attention of the Commissioner of Wrecks. The Town Administrator suggested that she would discuss with the Police Chief and Samuel Paterson, the Harbormaster and Commissioner of Wrecks.

- 5) DEM Notices:
 - c) Project Priority List Request for Projects State Fiscal Year 2004

Councilor DiGiando requested additional information on the Request for Projects. The Town Administrator informed the Council that the Town has applied for funds for the Clean Water Financing relating to the Sewer Rehabilitation Project and funding for the Wastewater Management Program.

It was moved by Council President Littman, seconded by Councilor Long to accept items 3(b), 4 (a) and (b) and 5(c). So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-45-2 (a) (5) Real Estate (Land Acquisition)

The Town Administrator informed the Council that the executive session could be withdrawn, as she does not have any additional information for the Council this evening.

PUBLIC HEARINGS

None

OPEN FORUM

- 1) Scheduled request to address

None

- 2) Non-scheduled request to address

It was the consensus of the Council that the following item be moved up on the agenda for discussion under Open Forum:

Communications

- 2) Letter to the Town Council from Michael Larkin requesting adoption of a Resolution of the Town Council in Defense of the Bill of Rights and Civil Liberties

It was moved by Councilor Settipane, seconded by Councilor Long to accept the communication from Michael Larkin. So unanimously voted.

It was moved by Council President Littman, seconded by Councilor Long to continue the letter and resolution to the June 9, 2003 Town Council meeting, under New Business and to request that the Town Solicitor review the resolution. So unanimously voted.

Council President Littman invited comment from the audience regarding the proposed resolution from Michael Larkin in Defense of the Bill of Rights and Civil Liberties.

The following individuals spoke in favor of the proposed resolution:

Michael Larkin
Gayen Thompson
Joseph Clifford
Ann Roche

Open Forum continued

William Munger, Cole Street, stated that he was not sure if the lighthouse belongs in the affordable housing market. Council President Littman noted that this would be discussed at when the present lease has ended.

Fred Brome, 11 Luther Street, requested that the Public Works Department assist the Rocket Dawgz with cordoning off an area at the lower portion of Shoreby Hill for the fireworks display in July.

Chief Tighe informed the Council that Shoreby Hill is private property and suggested that the Rocket Dawgz contact the association for permission to cordon off an area at Shoreby Hill.

Councilor Settipane suggested that the Town Administrator and Police Chief assist Mr. Brome in contacting the association for permission to cordon off the lower portion of Shoreby Hill.

Sav Rebecchi, 13 Sail Street, commented on the late submission of minutes from several committees. Mr. Rebecchi further commented that draft minutes should be submitted within ten (10) days or thirty (30) days or before the next meeting.

Council President Littman requested that the Town Clerk notify those committees to submit their minutes on time.

Representative Bruce Long reported that the Bills presented to the General Assembly (1) An act relating to fixing the date and time for holding the annual town meeting in Jamestown and (2) An act relating to levy and assessment of local taxes have passed both the House and the Senate. The Bill that would provide a Jamestown resident on the board of directors for the Quonset Point/Davisville Industrial Park Management corporation as a nonvoting member has passed the House and is presently being considered by the Senate.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

1) Town Administrator's report (attached)

Following the report of the Town Administrator, the following was discussed:

Council Tour of Facilities

It was the consensus of the Council that the tour would be held on Thursday, June 5 beginning at 2:00 PM.

Committee Appointments

Councilor DiGiando noted that the list of committee members contain names of non-residents. The Town Clerk will review the list and bring it up to date.

GZA GeoEnvironmental

Councilor Settiane inquired if the proposal submitted by GZA for remediation of the former landfill should be a separate contract and go out to bid. The Town Solicitor stated that he would review the original contract and report back to the Council with a determination.

Deputy Tax Assessor

Councilor Settiane stated that under Section 404 of the Town Charter, the Council is required to approve the appointment of department heads following nominations by the Town Administrator. Councilor Settiane expressed his concern that he has not received any pertinent information on the applicants for this position. The Town Administrator noted that she had discussed the hiring of a Deputy Tax Assessor during the budgeting process and proceeded with that course of action. The position was advertised, a team was put together for the interviews and if the person in the deputy position is acceptable, will be nominated by the Town Administrator to fill the position of Tax Assessor.

Litter Corps

The Town Administrator noted that the Town has received some funding for the Litter Corps from the Substance Abuse Task Force. Also, the Newport County Foundation will participate in a site visit to consider funding for the Litter Corps.

- 2) Conservation Commission
 - a) Letter of communication

It was moved by Councilor Long, seconded by Councilor Settipane to accept the communication from the Conservation Commission. So unanimously voted.

- 3) Neighborhood Advisory Committee – new committee (*to consist of not more than five members to make recommendations to the Town Council relating to the location of the Highway Facility at Taylor Point, concerning the design, traffic, lighting and operational aspects and their impact on the local neighborhood*); if favorable appoint three members, terms unspecified
 - a) Letters of interest
 - i. Dennis Webster (interviewed 5/27)
 - ii. Georgena W. Stanger (interviewed 5/27)
 - iii. Donna Saulino (interviewed 5/27)

It was moved by Council President Littman, seconded by Councilor Long to continue the appointments to the Neighborhood Advisory Committee until the Council meeting on June 9, 2003. So unanimously voted.

- 4) Town Clerk
 - a) Selection Process for Town Solicitor

It was the consensus of the Council that the Town Solicitor position be advertised in the Providence Journal and readvertised in the Newport Daily News and to arrange for interviews on June 14 and June 21, 2003.

UNFINISHED BUSINESS

- 1) Jamestown Housing Authority (cont. from 01/13/2002)
 - a) Request to waive PILOT funds

The Council discussed the request from the Jamestown Housing Authority to waive the PILOT funds for 2001 through 2003. Council President Littman noted that this issue has been continued because the Council was unsure of whether past years funds for 2001 and 2002 could be waived. Previously, the Town Solicitor advised that the Council could, if they wished, waive the PILOT funds for the current year.

The Town Administrator noted that the Housing Authority is tax exempt and the PILOT funds are calculated by a HUD formula determined by gross rent, less utilities, ten (10) percent of balance is the PILOT; because of past practice by the Council, the PILOT funds revenue was not included in the Town budget.

The Town Solicitor suggested that this issue be continued to the next Council meeting on June 9, 2003.

It was moved by Council President Littman, seconded by Councilor Long to continue the waiving of the PILOT funds to the Council meeting on June 9, 2003. So unanimously voted.

COMMUNICATIONS

- 1) Letter to the Council President from the eighth grade class re: concerns

It was moved by Councilor Settupane, seconded by Councilor Long to accept the communication from the eighth grade class. So unanimously voted.

Following discussion, it was moved by Councilor DiGiando, seconded by Councilor Settupane to respond in writing to the eighth grade class informing them that their letter of concerns has been forwarded to the Substance Abuse Task Force, School Superintendent and the Town Administrator. So unanimously voted.

- 2) Letter to the Town Council from Michael Larkin requesting adoption of a Resolution of the Town Council in Defense of the Bill of Rights and Civil Liberties

Previously addressed.

NEW BUSINESS

- 1) Letter to the Town Council from Steven Tucker re: Nathaniel Lindgren

It was moved by Council President Littman, seconded by Councilor DiGiando to accept the communication from Steven Tucker. So unanimously voted.

- 2) ISDS Application # 0215-0461 re: Plat 15 Lot 272, Garboard Street

It was moved by Council President Littman, seconded by Councilor DiGiando to accept the notice of proposed ISDS requiring a variance from regulations. So unanimously voted.

The Town Administrator informed the Council that the ISDS application falls under the High Groundwater Table Ordinance and it will be necessary for the individual to seek a variance to proceed through the building process.

Following Council discussion, the ISDS Application #0215-0461 regarding Plat 15, Lot 272 was referred to the Town Administrator for submission of a letter to RIDEM Groundwater Section expressing that the Council has concerns.

- 3) One Day Peddler and Entertainment license for the Chamber of Commerce on September 13, 2003 at East Ferry

Michael Swistak, Chamber of Commerce representative, informed the Council that it might be necessary to change the date requested in an attempt to coordinate efforts with a committee working to plan Jamestown's 325th Anniversary.

It was moved by Councilor Settipane, seconded by Council President Littman to approve the application for the Jamestown Chamber of Commerce for September 13 or a date as approved by the Town Administrator. So unanimously voted.

OPEN FORUM CONTINUED

Councilor DiGiando inquired if the Town Solicitor would provide the Harbor Commission with a written report regarding his meeting with Grover Fugate, Executive Director of Coastal Resources Management Council relating to the rights of way and mooring issues. The Town Solicitor indicated that he is working with the Harbor Management Commission on those issues.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor Ferguson to adjourn the meeting at 8:42 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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