

TOWN COUNCIL MEETING

June 23, 2003

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:09 PM by Council Vice President David J. Long. The following members were present:

Julio J. DiGiando
Claire M. Ferguson
Guy J. Settipane

Council President Littman arrived at 7:43 PM

also present were:

Maryanne Crawford, CPA, Town Administrator
Arlene D. Petit, Town Clerk
Douglas R. DeSimone, Town Solicitor
Thomas Tighe, Police Chief

Stephen Goslee, Public Works Director arrived at 7:50 PM

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

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

Council Vice President Long presented the Certificates of Appreciation to former Council members Norma B. Willis and David A. Swain.

- 2) Proclamation 03-018P re: Kevin Greene, Eagle Scout
 - a) Letter from Michael Cochran re: Kevin Greene

It was moved by Council Vice President Long, seconded by Councilor Ferguson to accept the letter from Michael Cochran. So voted with four in favor, Council President Littman being absent.

It was moved by Councilor Long, seconded by Vice President Long to accept Proclamation No. 03-18P in honor of Eagle Scout Kevin Greene. So voted with four in favor, Council President Littman being absent.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

It was requested that items 3 (b), (c) and (e) be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor Ferguson to approve the Consent Agenda as amended. So voted with four in favor, Councilor Littman being absent. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) 06/09/2003 Regular Meeting
 - 2) Bills and Payroll
 - 3) Minutes from Boards, Commissions and Committees:
 - a) Planning Commission (05/07/2003)
 - b)
 - c)
 - d) Library Board of Trustees (05/20/2003)
 - e)
 - 4) DEM Notices: Draft RIPDES General permit for storm water discharge associated with construction activity
 - 5) Resolutions/Proclamations of other Rhode Island Cities & Towns:
 - a) East Greenwich Support of:
 - i) S180 and H5081 (separation of Powers)
 - ii) H6147 Adequate construction funding for public libraries
 - b) City of Pawtucket Support of 2003-S1058 & H6388 An Act Relating to Alcoholic Beverages – Retail Licenses
 - c) City of Providence Support of a weapons training facility
 - 6) Abatements/Addenda of Taxes
- *****
- 3) Minutes from Boards, Commissions and Committees:
 - b) Parking Committee (05/01/2003)

Councilor DiGiando mentioned that the minutes of the Parking Committee discuss parking restrictions on Knowles Court and suggested that when considering parking restrictions in the village area, it would be best to consider the village as a whole rather than taking it street by street.

- c) Tree Preservation and Protection Committee (04/15/2003)

Councilor DiGiando inquired when the Downtown Sidewalk Project would begin. The Town Administrator informed the Council that she was waiting to hear back from RIDOT as it relates to the funding of an archeology study.

- e) Board of Canvassers (04/16/2003)

Councilor DiGiando asked for a status on the appointment of a replacement for a member whose term has expired and to be sure the board is in compliance with the law. The Town Administrator noted that applicants are being scheduled for interviews. The Town

Clerk noted that the board is presently in compliance as Mrs. Christman can serve until she is legally replaced.

It was moved by Councilor DiGiando, seconded by Councilor Settipane to accept 3 (b), (c) and (e). So voted with four in favor, Council President Littman being absent.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation: Update on status of litigation from Town Solicitor

The Town Solicitor informed the Council that he is waiting for additional information on a settlement and requested that this be continued to the next meeting on July 14, 2003.

PUBLIC HEARINGS

None

OPEN FORUM

- 1) Scheduled request to address
- 2) Non-scheduled request to address

Sterling Graham, Racquet Road, informed the Council that the overall Parking Plan may be a long way off and that Knowles Court is a safety issue and should be addressed.

Councilor Long suggested that Open Forum be continued to such time as Council President Littman is present.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

- 1) Town Administrator's report (attached)

Following the verbal presentation of the Town Administrator's report, additional information was given on the following:

Council Work Session

It was the consensus of the Council to support the Town Administrator's suggestion to arrange a work session for the Council to discuss policies and procedures and their goals for the next two years and any other concerns.

Risk Management Trust Assessment

Councilor Settipane noted that the assessment survey done by the Rhode Island Interlocal Risk Management Trust points to many of the reasons why we need a new town hall.

It was the consensus of the Council that the Town Administrator review the assessment and report back to the Council at the next meeting on how these concerns could be addressed.

Fire Department Report

Councilor Settupane noted that the fireboat is considered our first response to marine distress and expressed concern that the repairs to the fireboat have not been completed. Councilor Settupane recognized Harbormaster Samuel Paterson for his quick response in assisting two swimmers in distress.

- 2) Jamestown Housing Authority
 - a) Letter from Peter McGuirl re: Minutes

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the communication from Peter McGuirl. So voted with four in favor, Council President Littman being absent.

- 3) Harbor Management Commission
 - a) Letter from Chair re: Touch & Go Dockage Float

Harbor Management Commission member James Archibald reviewed the letter from the Harbor Management Commission requesting that the Council consider their proposal for installation of a public touch and go dock at East Ferry.

Councilor Settupane noted that the Council has had some concerns relating to the usage of the wood pile pier for commercial use because of Federal restrictions. Councilor Settupane inquired if this request would be incorporated into the solution forwarded to the Department of Interior when addressing restrictions on the pier.

Mr. Archibald asked if the Harbor Management Commission should pursue this proposal.

Councilor Settupane stated that he would like to see an increased public access component in more detail before making a decision on the proposal.

There was not action taken on this item.

- 4) Town Clerk
 - a) Memo re: Schedule for Hearing and Work Session

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the communication from the Town Clerk. So voted with four in favor, Council President Littman being absent.

The Town Clerk informed the Council that the Harbor Management Comprehensive Plan, although completed, would not be in the proper format by the July 9 hearing.

It was moved by Councilor DiGiando, seconded by Councilor Settupane to hold a hearing on the Harbor Management Ordinance on July 9, 2003. So voted with four in favor, Council President Littman being absent.

It was the consensus of the Council to take New Business out of order.

New Business

- 1) One Day Peddlers License Application: (All licenses are issued subject to the resolution of debts, taxes and appropriate signatures)
 - a) St. Matthew's Episcopal Church to sell various items at the annual summer sale on July 19th at 87 Narragansett Avenue. Application requests to waive the \$5.00 application fee. If favorable grant request and waive fee subject to the resolution of debts, taxes and appropriate signatures.

It was moved by Councilor Settupane, seconded by Councilor Long to approve the One Day Peddlers License for St. Matthew's Episcopal Church, subject to the resolution of debts, taxes and appropriate signatures and to waive the fee. So voted with four in favor, Council President Littman being absent

- 2) Bingo License Renewal Application: (All licenses are issued subject to the resolution of debts, taxes and appropriate signatures)
 - a) Jamestown Senior Citizens Association request a renewal for their Bingo License and to waive the \$100.00 application fee. If favorable grant request and waive fee subject to the resolution of debts, taxes and appropriate signatures.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to approve the Bingo License and to waive the fee, subject to the resolution of debts, taxes and appropriate signatures. So voted with four in favor, Council President Littman being absent

- 3) Public access and parking in fishing areas

The Town Administrator reported that the Police Chief has invited Ms. Cote to attend the next Parking Committee meeting to discuss her concerns regarding fishermen parking their cars and excess noise.

The Town Administrator noted that the State Police enforces the policy of no fishing on the Jamestown Bridge.

Councilor DiGiando and Councilor Ferguson addressed the issue of littering in the areas around the Jamestown Bridge and the Newport Bridge.

It was the consensus of the Council to keep this on the agenda and requested that the Chief of Police report back to the Council. The Town Administrator noted that she

would be speaking with the Executive Director of the Rhode Island Bridge and Turnpike Authority regarding the equipment stored under the bridge.

Joseph Perry, Bay View Drive indicated that people were trespassing on the Newport Bridge property and leaving litter. Additionally, Mr. Perry informed the Council that there should be toilet facilities in the Taylor Point area in order to discourage individuals from using the surrounding area for the purpose of relieving themselves.

Bonnie Jamison informed the Council that she has been unable to allow the Litter Corps to pick up the trash in that area due to the unhealthy conditions; therefore, she and Mrs. Perry have taken on the responsibility; however, it is more than they can handle.

The Town Administrator will discuss the possibility of stronger enforcement of policies with the Chief of Police and the Bridge Authority.

Councilor Littman arrived at 7:43 PM.

4) Rescue/Fire Boat (*per Council President Littman*)

Fire Chief Bryer informed the Council that work is being completed on the boat and it is anticipated that it will be ready next week; however, because of the condition of the boat the need for a new boat has escalated. The Fire Department has received some donations to be put towards the purchase of a new boat. In addition, Captain Gladding is exploring the possibility of any grants being available, although grants are not readily available for watercraft. Chief Bryer reported that the Jamestown Volunteer Fire Department is responsible for 105 square miles of water.

William Kelley, Grant Writer for Jamestown, informed the Council there is \$360,000,000 of grant money available through FEMA and Jamestown is one of 10,000 applications from communities such as Chicago, Detroit and New York City. The rating system is such that a boat would automatically be kicked out; therefore, the Fire Department has put in for a combination pump/tanker truck.

The Council discussed the need for a fast response boat, noting that there was \$40,000 previously budgeted in a set-aside fund.

It was the consensus of the Council that this be put on the Council agenda with a report from the Fire Department on the specifications of their needs and funding options.

It was the consensus of the Council to move to Open Forum.

Open Forum

Representative Bruce Long gave a legislative update to the Council.

The following individuals addressed the idea of the Town Council drafting a letter or resolution regarding the Patriot Act:

Richard Hines, East Shore Road, questioned the validity of the Council addressing this issue and opposed any resolution or letter regarding the Patriot Act.

Andrew Weicker, Narragansett Avenue, spoke in opposition of the Council making a decision regarding the Patriot Act.

Michael Larkin, Narragansett Avenue encouraged the Council to adopt a resolution opposing the Patriot Act.

Robert Driver, non-resident spoke in favor of a Council resolution opposing the Patriot Act.

Carol Buglio, Mizzen Avenue, opposed the Council speaking for the community.

Bruce Livingston, Racquet Road, opposed the Council adopting a resolution opposing the Patriot Act.

Walter Bolle, Clinton Avenue was opposed to the Council sending a letter of reaffirmation of the Constitution and Bill of Rights.

William Kelley, Reservoir Circle, indicated that this was an issue that should be handled on the Federal level and opposed the Council forwarding a letter or resolution.

Ben Buglio, Mizzen Avenue, opposed the Council addressing the issue of the Patriot Act.

Ann Roche, Shamrock Court, spoke in favor of the Council adopting a resolution opposing the Patriot Act.

Gayen Thompson, no address given, encouraged the Council to pass a resolution in opposition of the Patriot Act.

Patricia Eannarino, East Shore Road, opposed the Council forwarding a letter or resolution opposing the Patriot Act.

Perry Scott, Top' O The Mark, mentioned that the Sunset Law relating to this issue is effective until 12/31/2003.

Richard Condon, West Reach Drive, addressed the issue of security and the need to protect us against terrorism.

Thomas Wiggin, East Shore Road, spoke in favor of the Council supporting a resolution opposing the Patriot Act.

Richard Eannarino, East Shore Road, presented a handout to the Council supporting his opposition to a letter or resolution opposing the Patriot Act.

Sterling Graham, Racquet Road, spoke in opposition to the Council forwarding a resolution opposing the Patriot Act.

Joseph Clifford, Calvert Place, spoke in favor of a resolution opposing the Patriot Act.

Jane Wilson, no address given, opposed the Council forwarding a resolution.

Ann Khaddar, Narragansett Avenue, spoke in favor of the Council adopting a resolution in opposition of the Patriot Act.

Joseph Perry, Bay View Drive, opposed a letter or resolution being sent by the Town Council.

Edward Roche, Shamrock Court, favors the Council sending a resolution in favor of the Patriot Act.

Patty Cassidy, Harriot Street, spoke in favor of the Council forwarding a resolution opposing the Patriot Act.

Belle Evans, Walcott Avenue, spoke in favor of the Council forwarding a resolution opposing the Patriot Act.

There being no further comments, the Council moved on to unfinished business, taking item #3.

UNFINISHED BUSINESS

3) Draft Resolution regarding the Patriot Act

The Council first discussed whether they should address the issue of the Patriot Act and secondly, if so, what format their comments should be presented in; either letter or proclamation.

Council President Settupane read a letter that he drafted, indicating the feelings of citizens attending the Council meetings, which he suggested sending to our Rhode Island Congressional Delegation.

Council President Littman read a proclamation that he drafted for the Council's consideration.

It was moved by Councilor Ferguson to send a letter as drafted by Councilor Settupane communicating the feelings of the people that have attended the last two Council meetings.

The Council discussed adding sections 1, 2 and 3 of Council President Littman's draft resolution to the letter submitted by Councilor Settupane to the motion.

The motion made by Councilor Ferguson with the addition of sections 1, 2 and 3 of Council President Littman's draft resolution was seconded by Councilor Settipane.

It was moved by Councilor Settipane, seconded by Council President Littman to amend the motion to forward a one sentence letter to be sent to our Congressional Delegation that the US Patriot Act, Homeland Security Act and Executive Orders have come before the Council for public comment; enclosed are the minutes and comments from our meetings of May and June for your review. The amended motion was voted; Council President Littman, nay; Councilor Long, nay; Councilor Ferguson, aye; Councilor DiGiando, nay; Councilor Settipane, aye. The motion failed.

It was moved by Councilor Settipane, seconded by Councilor Long to amend the original motion to change section 3 as follows: that the Town of Jamestown urges U.S. Congressional Representatives and Senators to monitor the implementation of the above Acts and Orders and carefully re-examine the Acts. Councilor DiGiando abstained from the vote. The vote was, four in favor and one abstention. The motion passed.

The original motion to send a letter as drafted by Councilor Settipane communicating the feelings of the people that have attended the last two Council meetings and including sections 1, 2 and 3 of Council President Littman's draft resolution as amended was unanimously voted and passed.

Council President Littman called for a recess at 9:40 PM.

The Council returned at 9:50 PM.

- 1) GZA GeoEnvironmental re: proposal for the remediation plan for the former landfill
 - a) Remedial Action Work Plan and Closure Design
 - i) Cost saving monitoring
 - ii) Possible rebidding of project (to include construction fees as well as the remediation design)
 - iii) Award of contract

Councilor DiGiando noted that there are two stages to this project: (1) Development of an Environmental Monitoring Program for \$2,000, and (2) the Remedial Action Work Plan and Closure Design for \$37,500. Councilor DiGiando inquired if the costs for the construction phase could be reduced by less frequent monitoring.

The Town Solicitor stated that the decision on monitoring can be a Council decision and can be negotiated with the provider.

The Town Administrator informed the Council that once the project gets to the engineering and construction stage, the Council can discuss this further to decide if the work should be done by GZA, another firm or in-house. Task #9 as outlined in the letter from GZA was added only for informational purposes and can be removed from the contract and would be competitively bid.

Councilor Settipane noted that the entire project, including task #9 total approximately \$137,000 and, as such, should go out to bid.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the proposal from GZA GeoEnvironmental for the revised Environmental Monitoring Program Plan in the amount of \$2,000. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the Remedial Action Work Plan and Closure Design Proposal up to task #8 or not including task #9 in the amount of \$37,500.

There was additional discussion regarding the scope of work included in the Remedial Action Work Plan and Closure Design Proposal.

The Town Administrator noted that the proposal, as presented, only goes as far as the preparation of documents for \$37,500 (task #1 through task #8). The Town Administrator suggested that this contract be awarded to GZA. When the work is completed, the Town could then go out to bid for the engineering and construction portion of the project.

The Town Solicitor noted that as the Town Administrator pointed out, GZA was making the Council aware of the engineering and construction costs. The Town would be protected up to the point where the contract bid specifications are prepared, the Council would then be able to go out to bid for the construction phase and any additional engineering work that may be required.

Councilor Settipane stated that GZA included the information in their contract because the entire project goes together and therefore, he strongly suggested that the Council has a fiduciary responsibility when considering \$137,000 project to have the complete project put out to bid.

The motion was voted, Councilor DiGiando, aye; Councilor Long, aye; Councilor Ferguson, aye; Councilor Settipane, nay; Council President Littman, aye. The motion passed with four in favor and one opposed.

Sav Rebecchi suggested that the Town request permission from the Conanicut Land Trust to install a test well on their property abutting the former landfill. The Town Administrator informed the Council that this request had been previously made to the Land Trust and they had refused.

- 2) Resolutions/Proclamations of other Rhode Island Cities & Towns:
 - a) City of Pawtucket
 - i) Support of 2003-H6387 An Act Relating to real Property – Recording of Instruments
 - ii) Support of 2003-S1076 An Act Relating to Alcoholic Beverages – Administration Fees

Representative Bruce Long informed the Council that these issues were part of the Governor's budget and no action is required.

- 3) Draft Resolution of the Patriot Act
 - a) Submitted by Council President Littman
 - b) Submitted by Councilor DiGiando

Previously addressed.

- 4) Assessment of Town Roads
 - a) Assess all Town roads
 - b) Institute rating system (1 to 5)
 - c) Prepare cost assessments based on square footage measurement
 - d) Investigate funding

Councilor Settupane reviewed the photographs presented at the July 9 Council meeting and cited State Laws regarding the responsibilities of a municipality in keeping their roads in good repair. Additionally, Councilor Settupane suggested the possibility of forming a committee under the direction of the Public Works Director to review and rate Jamestown roads.

The Public Works Director informed the Council that he has a pavement program with road measurements that was completed in 1990 and is updated as road repairs are completed. Mr. Goslee commented that when scheduling repairs, public comment is also taken into consideration. In some instances residents request that a road remain unpaved. Mr. Goslee reviewed the procedure that the Public Works Department follows for road maintenance.

Councilor Long requested that Mr. Goslee provide the Council with additional detail of what is being accomplished along with incorporating suggestions made by Councilor Settupane.

Councilor DiGiando noted that the \$70,000 budgeted this year for paving is what it would cost to pave approximately one mile of road. Councilor DiGiando stated that many of the roads are in poor condition due to high water tables and improper drainage and suggested that the underside of problem roads be repaired; then next year, budget sufficient funds to address this crisis.

Councilor Settupane strongly recommended beginning with a low cost assessment of roads so that the information can be used in preparing for these issues in the future.

It was the consensus of the Council that the Public Works Director provide the Council with additional information for review at the next Council meeting.

- 5) Tax Assessor
 - a) Memorandum from Town Administrator re: hiring procedure

It was moved by Councilor Settupane, seconded by Councilor Long to accept the communication from the Town Administrator. So unanimously voted.

Councilor Settupane noted that the advertisement posted was for a new Tax Assessor. The Town Solicitor informed the Council that should the Deputy Tax Assessor be acceptable to the Town Administrator it would be necessary for her to come before the Council with a recommendation.

- 6) Workshops re: Boards, Commissions and Committees

No action taken.

COMMUNICATIONS

- 1) Letter from Richard Hines re: Patriot Act
- 2) Letter from Jane Sprague re: Patriot Act

It was moved by councilor Long, seconded by Councilor DiGiando to accept the communications from Richard Hines and Jane Sprague. So unanimously voted.

NEW BUSINESS

- 1) One Day Peddlers License Application: (All licenses are issued subject to the resolution of debts, taxes and appropriate signatures)
 - a) St. Matthew's Episcopal Church to sell various items at the annual summer sale on July 19th at 87 Narragansett Avenue. Application requests to waive the \$5.00 application fee. If favorable grant request and waive fee subject to the resolution of debts, taxes and appropriate signatures.

Previously addressed.

- 2) Bingo License Renewal Application: (All licenses are issued subject to the resolution of debts, taxes and appropriate signatures)
 - a) Jamestown Senior Citizens Association request a renewal for their Bingo License and to waive the \$100.00 application fee. If favorable grant request and waive fee subject to the resolution of debts, taxes and appropriate signatures.

Previously addressed.

- 3) Public access and parking in fishing areas

Previously addressed.

- 4) Rescue/Fire Boat (*per Council President Littman*)

Previously addressed.

There being no further business before the Council, it was moved by Councilor Settipane, seconded by Councilor Long to adjourn the meeting at 10:45 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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