

TOWN COUNCIL MEETING

July 20, 2009

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue at 7:05 PM by Council President Julio J. DiGiando. The following members were present:

William A. Kelly

Robert W. Sutton, Jr.

Barbara A. Szepatowski

absent: Michael G. White, Vice President

also present:

Bruce R. Keiser, Town Administrator

Peter D. Ruggiero Town Solicitor

Arlene D. Petit, Town Clerk

Lisa W. Bryer, Town Planner

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

Councilor Sutton informed the Council that on Saturday, July 25 former students of the Carr School and the Clarke School will be holding a reunion at Fort Getty. Councilor Sutton asked if a proclamation could be presented in recognition of the returning classmates.

It was the consensus of the Council that the Clerk would prepare a proclamation to be presented to the former students. The proclamation would be on the August 3, 2009 Council meeting for adoption.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to move item #2 under new business up on the agenda. So unanimously voted.

New Business

- 2) Request to authorize the Town to proceed with auctioning off the remaining town-owned equipment

Councilor Kelly reported that the Public Work's Director has put together a list of items to be auctioned. The Council discussed several ways to inform the public about the auction and the items available. It was the consensus of the Council that the list be put on Craig's List, as well as a block advertisement in the Jamestown Press.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to advertise the auction in the newspaper and on Craig's List, indicating that bids must be due at 12:00 Noon on September 21, 2009, and listing the available items in "as is", "all sales final" condition. So unanimously voted.

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 requested that items # 1(a) and 2 be removed from the Consent Agenda. It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the consent agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Housing Authority (6/24/2009)
 - b) Library Board of Trustees (6/2/2009)
- 4) CRMC Notices:
 - a) July 2009 Calendar
- 5) Zoning Board of Review abutter notification:
 - a) Application of the **Jamestown Arts Center** (Freebody LLC, owner), whose property is located at 18 Valley St., and further identified as Tax Assessor’s Plat 8, Lot 461 for variances and special use permits under Article 3, Section 82-302, District Dimensional Regulations, Table 3-1.IV.1 and 3-2 to grant a special use permit for an educational use and to allow dimensional relief from required lot size, lot coverage, and building setbacks to change the use of an existing nonconforming structure and Section 82-306 to allow a new fixed canopy to project to the front property line (to the line of existing concrete steps); Article 12, Section 82-1202 to allow a parking space to be located within 7 feet of a street where 10 feet is required and to locate parking spaces in the side yard rather than in the rear portion of the property; Section 82-1203.11 to provide 8 on-site parking spaces where 16 are required; Section 82-1205 and Section 82-1205.1 to grant a special use permit for a shared parking arrangement; Article 13, Section 82-1304 to grant a special use permit for building signage. Said
- 6) Abatements/Addenda of Taxes

- 1) Adoption of Council minutes:
 - a) July 6, 2009 (regular session)

Councilor Kelly inquired if there was ample time for the charter questions to be prepared for the November election. The Town Solicitor and Town Administrator assured the Council that the questions would be on the next Council agenda and submitted to the Secretary of State before the deadline.

- 2) Bills and Payroll

Ft. Wetherill

Test pits were excavated on the vacant lot at Ft.Wetherill last Thursday to determine ISDS feasibility with the Town's soil consultant and DEM staff present to evaluate subsurface conditions. Additional site investigation was scheduled to continue on Friday. I hope to present initial findings at the Council meeting.

Landfill Closure

The owner of the lot immediately north of the former landfill has installed a well within a 200' radius of the proposed composting area. As discussed, DEM regulations prohibit siting compost within this distance of any drinking water supply. To address this regulatory restriction, we will move the compost to the south end of the upper landfill paved storage area.

Recycling

RI Resource Recovery Corporation reports show that our 2008-09 recycling tonnage (847) amounted to 26.5% of the total residential solid waste generation in Jamestown. This performance is an improvement over the prior year in which 23% of total household solid waste was recycled. However, in order to meet State mandates we need to enhance our recycling efforts.

The State mandate for the current year is 30% and will increase incrementally to 35% in 2011-12. The RIRRC tipping fee rate structure provides both financial penalties and incentives to encourage communities to meet the State recycling goal. For tonnage in excess of the Town's solid waste cap, disposal costs rise from \$32 per ton to \$60. Conversely, achievement of the recycling target reduces the rate for "under the cap" disposal to \$29 per ton, a \$3/per ton savings. With the variable rate structure and solid waste volume in excess of 2,200 tons per year, it is clear that the Town's total cost for waste disposal is significantly impacted by the level of recycling we are able to achieve.

I would suggest that the Town Council consider establishing a Recycling Committee to review pay-as-you-throw programs and other strategies to boost recycling performance.

Flu Pandemic

The RI Department of Health will hold a series of workshops on community preparedness for a potential flu pandemic that may emerge this fall and winter. We will attend a meeting at Newport Hospital on August 17th and will report back to the Council on any steps the Town may be advised or directed to undertake.

Harbor Management

In response to the Council's directive, the Harbor Commission will hold a work session on August 5th to review the staffing and functions of the harbor program.

Summer Street

The Town Engineer and I will meet with the residents of Summer Street this Wednesday to discuss available road improvement options.

Comments regarding the Town Administrator's report:

a) Fort Wetherill

The Town Administrator reported that the soil testing has begun at Fort Wetherill.

c) Recycling

The Council discussed the recommendation of the Town Administrator to establish a committee to develop and implement a plan to increase recycling in Jamestown. The Town Administrator was instructed to develop a charge for this committee and the Clerk was instructed to advertise for the positions on the recycling committee and to schedule interviews.

Councilor Szepatowski asked that recycle bins are placed at the landfill and at the Fort Getty camp ground.

2) JEMS May/June 2009 Report

No action was taken; however, the Council did express that they were very impressed with the information submitted and the professional manner in which the report was presented.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

1) Invitation from W. Michael Sullivan, Director of RIDEM to Project Clean Sweep, Monday, July 20

The Council discussed the relevance of the clean sweep project to the shoreline of Jamestown. With the use of specially equipped mechanized landing crafts, and the combined efforts of Save the Bay, Clean the Bay and DEM, the marine debris will be cleaned from the Jamestown shoreline.

It was moved by Councilor Szepatowski, seconded by Council President DiGiando to accept the invitation from RIDEM. So unanimously voted.

2) E-mail from Jill Meyer re: Recreation Center landscaping

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the e-mail from Jill Meyer. So unanimously voted.

3) Summary of comments from the meeting re: Coyote Management and Co-existence (June 29, 2009)

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the summary of the Coyote Management and Co-existence meeting. 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 Application(s):**
 - a) Applicant: Jamestown Teen Center (Debbie Turgett)
Event: Skatefest 2009
Date: August 1, 2009 from 1:00-5:00 pm
(Raindate: 8/8/09)
Place: Skatepark on Lawn Avenue
Peddler Permit: Request Fee Waived
 - b) Applicant: ~~Conanicut~~ Jamestown Yacht Club
Event: Fools Rules' Regatta
Date: August 15, 2009 from 9:00 am -1:00 pm
Place: East Ferry Beach
Peddler Permit: Sales of T-Shirts
- 2) **One Day Entertainment License Application(s):**
 - a) Applicant: Bridges, Inc.
Event: Annual Picnic
Date: July 24, 2009 from 2:00-7:00 pm
Place: Ft. Getty Pavilion
Entertainment: DJ
 - b) Applicant: Jamestown Chamber of Commerce
Event: Summer Fund Raiser
Date: August 15, 2009 from Noon-10:00 pm
Place: Ft. Getty Pavilion
Entertainment: Band
 - c) Applicant: Jamestown Teen Center (Debbie Turgett)
Event: Skatefest 2009
Date: August 1, 2009 from 1:00-5:00 pm
(Raindate: 8/8/09)
Place: Skatepark on Lawn Avenue
Entertainment: DJ (request fee waived)

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to approve the Exhibition Licenses and the One Day Entertainment Licenses as presented, pending receipt of all approvals. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address

None

- 2) Non-scheduled request to address

Robert Bowen asked to speak when the Council discusses the Fort Getty Sailing Center.

APPOINTMENTS AND RESIGNATIONS

- 1) JEMS Compensation Committee
 - a) Letter of resignation from Rick Hodges

It was moved by Councilor Kelly, seconded by Councilor Szepatowski, to accept the letter of resignation from Rick Hodges. So unanimously voted.

- 2) Jamestown Planning Commission
 - a) Letter of resignation from Jean Brown

It was moved by Councilor Kelly, seconded by Councilor Szepatowski, to accept the letter of resignation from Jean Brown. So unanimously voted.

The Clerk was instructed to set up interviews for the Planning Commission vacancy at the August 3 Town Council meeting.

UNFINISHED BUSINESS

- 1) Fee Schedule (*cont. from July 6, 2009*)
 - a) Schedule of Fees
 - b) License Revenue
 - c) Municipal License and Permit Fees

The Council reviewed the Town's Schedule of Fees in comparison with the Municipal License and Permit Fees, and although Jamestown fees are on the low side, it was determined that there would not be any changes at this time.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the fee schedule as presented. So unanimously voted.

- 2) Resolution re: request Governor Carcieri hold a summit to determine the future course of education in Rhode Island (*cont. from July 6, 2009*)

In reviewing the resolution to request an educational summit, it was decided that this type of debate belongs in the General Assembly.

No action was taken.

- 3) Management Plan from the Conservation Agency re: DEM approved Coyote Co-Existence & Management Plan for Aquidneck & Conanicut Islands (*cont. from July 6, 2009*)

The Council discussed the Coyote Co-Existence & Management Plan recommendations to reduce the food source for coyotes. The composting of road-killed animals and burying of farm livestock carcasses was discussed as a way of reducing the food source; however, it was not believed that there was an area in Jamestown where this could be done.

It was the consensus of the Council to request that Doctor Numi Mitchell be invited to a Council meeting in August to further discuss the recommendations contained in the report.

4) Memorandum from the Town Planner re: Ft. Getty Sailing Center
The Town Planner reviewed the changes to the lease and development plan, as outlined in her memorandum dated July 14, 2009. The Town Planner recommended that, if favorable, the Council issue a Statement of Intent in support of the development of a community sailing facility at Fort Getty.

The following individuals were present to answer questions and spoke in favor of the Sailing Center:

Mary Meagher, Fort Getty Master Plan Committee Chair
Dr. Robert Salk, FAST
Peter Johnstone, FAST
Robert Bowen, Capstan Street

Although it was the consensus of the Council that a sailing center is desirable at Fort Getty, there were still concerns to be addressed, those being:

- Schematic building design plan
- Organizational structure of the Town sailing program
- Language authorizing the Town to have veto rights of the design of the building

It was the consensus of the Council to have the Town Planner provide the additional information in order to continue the discussion at the August 3, 2009 Town Council meeting.

5) Legislation H 5762 re: Teacher contracts
Following a Council discussion, with input from Catherine Kaiser, School Committee Chair, it was moved by Councilor Kelly, seconded by Councilor Sutton to forward a resolution in opposition to the passage of H 5762 to the House leadership and Senator Paiva-Weed informing them that The Jamestown Town Council a discussed the proposed bill at their July 20, 2009 meeting believes that the passage of this bill reduces any incentive for unions to bargain in good faith by allowing any existing contract to continue in effect until such time as a new agreement has been reached. So unanimously voted.

NEW BUSINESS

1) Discussion re: Trails Grant and the town to develop walking trails along the Neale Farm (*per Councilor Sutton*)
Councilor Sutton informed the Council that the grant previously received by the Town to construct the Conanicut Island Cart Path was not used because the cart path could not be completed due to the drainage pond that could not be crossed, as well as other logistical problems. The Town Planner is asking that the Council endorse a request to reallocate those grant funds to the Center Island Walking Trail which would connect the sanctuary, north through the Neale farm to Weeden Lane.

It was moved by Councilor Sutton, seconded by Councilor Kelly that the Council endorses revising the original grant from the Rhode Island Trails Committee specifically

for the purposes of building a trail from the sanctuary, north through the Neale farm to Weeden Lane. So unanimously voted.

Councilor Sutton stated that the Town should be the responsible party to get this trail built, possibly working with the Bike Committee.

2) Request to authorize the Town to proceed with auctioning off the remaining town-owned equipment (*per Councilor Kelly*)
Previously addressed.

3) Discussion to establish medical care for stray animals (*per Councilor Kelly*)

Councilor Kelly asked that the Town institute a policy relating to the shelter and care of stray animals. Councilor Kelly reviewed a bill received by the Town in the amount of \$1,280.00 for sixty-four (64) days of shelter for a cat at the North Kingstown animal pound.

The Council discussed the need for better efforts in adoption arrangements for unclaimed animals, as well as the need for a more formal agreement with the Town of North Kingstown for animal shelter.

The Town Administrator stated that he would work out an agreement with North Kingstown. In addition, he will work out an operational plan for the adoption of unclaimed animals.

ADJOURNMENT

There being no further business before the Council it was moved by Councilor Szepatowski, seconded by Councilor Sutton to adjourn the meeting at 10:08 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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