

TOWN COUNCIL MEETING

September 22, 2008

A regular meeting of the Jamestown Town Council 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:

Thomas P. Tighe, Chief of Police
Arlene D. Petit, Town Clerk
Peter D. Ruggiero, Town Solicitor
Lisa W. Bryer, Town Planner

absent: Bruce R. Keiser, Town Administrator

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

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 # 3(a) and (b) be removed from the Consent Agenda. It was moved by Councilor White, 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) September 8, 2008 (regular meeting)
 - b) September 8, 2008 (executive meeting)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a)
 - b) Jamestown Planning Commission (08/20/2008)
- 4) CRMC Notices:
 - a) Notice of Violation re: Daniel and Michol O'Leary; property located at 578 East Shore Road; plat 2, lot 71; in violation of CRMC assent A2000-10-021

- b) Cease and Desist Order re: Duana M. Hodges, Trustee; property located at 620 East Shore Road; plat 2, lot 36; in violation of CRMC assent A2001-07-006
- c) Agenda for semi-monthly meeting, Tuesday, September 9, 2008
- 5) Zoning Board of Review abutter notification
 - a) The Jamestown Zoning Board of Review will hold a public hearing on September 23, 2008, at the Jamestown Town Hall, 93 Narragansett Avenue, at 7:00 P.M. upon the application of Clinton Farms, LLC, Susan & Scott Wynn, whose property is located at 4-6 Clinton Ave., further identified as Tax Assessor's Plat 9, Lot 407, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct front and rear dormers to an existing non-conforming duplex which encroaches in the rear and side setbacks, 6' and 7' respectively, 15' being required. Said property is located in a CD zone and contains 3,300 sq. ft.
- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) Town of Middletown re: opposition to RI Global Consumer Compact Waiver Application pertaining to Medicaid Reform
 - b) City of Newport re: opposition to proposed reductions in bus service
- 7) Abatements/Addenda of Taxes

- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Housing Authority (08/13/2008)

Councilor Kelly noted that item #6. Old Business, states that the Executive Director has turned in her letter of resignation. Councilor Kelly asked if the Council is responsible for replacing the Executive Director.

The Town Solicitor stated that it was his understanding that the Jamestown Housing Authority Board makes the selection.

- b) Jamestown Planning Commission (08/06/2008)

V. Old Business

1. Jamestown Zoning Ordinance Update – Jamestown Village Special Development District – Discussion - Continued

Councilor Sutton noted the comment made by a member of the audience at the August 6 Planning Commission meeting requesting notice on what zoning changes are being considered in the CL and CD district. Councilor Sutton reiterated the statement made by the Town Planner in answer to any concerns of notification of changes; that being, “there will be a lot of public input before this process is over.” Councilor Sutton stated that any changes to be made to the Zoning Ordinance will be presented to the Council, at which time the public will be invited to comment prior to any adoption of changes.

It was moved by Councilor Sutton, seconded by Council President DiGiando that a resolution be adopted supporting the process for the review of draft changes to the Zoning Ordinance, that is; once the Planning Commission has determined what changes

to propose to the Town Council, a public hearing will be advertised and held to solicit public input. So unanimously voted.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept items # 3(a) and (b). So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

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

1) Pursuant to RIGL 42-46-5 (a) (5) (real estate) acquisition of property
Councilor President DiGiando announced that there would be an executive session later in the meeting pursuant to RIGL 42-46-5 (a) (5) (real estate) acquisition of property.

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

1) Town Administrator Report as follows:

Landfill Closure

Town Engineer Mike Gray has developed an agreement to obtain an estimated 6,000 yards of material for use as landfill cover from a large residential excavation site on East Shore Road. This substantial quantity represents about 50% of the total estimated cover material required for Landfill closure. As discussed in prior meetings, as required by State environmental regulations, the Town will analyze samples of all soils used for cover to ensure its suitability. Mike has conferred with DEM's Office of Waste Management about this recently-identified source of cover material. OWM staff have authorized its use following satisfactory test results. Please note that if the 6,000 yards is suitable, the Town stands to save over \$60,000 in projected cover material costs.

October Work Session Dates

Please check your calendars and set dates for two work sessions. One will be a joint meeting with the School Committee and a second meeting will be a work shop on future use of the Town highway barn property at Fort Wetherill.

Council comments:

Work Session – Fort Wetherill

The Town Clerk was directed to schedule a work session on October 20, 2008 to discuss the future use of the Town highway barn property at Fort Wetherill.

Work Session – School Committee

The Council discussed the possibility of inviting the Rhode Island Public Expenditures Council to a work session with the School Committee. (No action was taken.)

Other Council comments:

Michael Gray, Town Engineer, was commended by the Council for his cost-saving efforts in the procurement of material to be used for cover at the landfill site.

The Council was in agreement that the Town staff has the qualifications to do much of the labor for the closing of the landfill.

2) Jamestown Conservation Commission re: Town Public Rights-of Ways
Jamestown Conservation Commission Chair Christopher Powell informed the Council that he has addressed the concerns of Varoujan Karentz regarding the boardwalk for Hull Cove as stated in his memorandum of September 16, 2008.

Mr. Powell stated that the Hull Cove proposed boardwalk is in the permitting stage with CRMC. Mr. Karentz was assured that the boardwalk would provide a safer access to the Hull Cove right-of-way.

The Town Planner noted that the Parking Committee did a research study in 1999 on the Town's rights-of-way. The sites were prioritized as follows:

Number 1 sites These sites should be fully supported and maintained with existing parking and facilities.

Number 2 sites These sites could be improved to provide more parking and access if funding were available.

Number 3 sites These sites should be maintained as pedestrian access only sites.

With Hull Cove being a priority number 1, and some grant funding available, the Council discussed the possibility of making it a demonstration project. As a demonstration project, the site could include multi-lingual signage outlining parking, litter control, fishing regulations, and trespassing on private property above the mean high water.

It was the consensus of the Council that the Hull Cove right-of-way be used as a demonstration as to how a right-of-way can be improved and maintained.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Onne van der Wal re: request for a safe boat-launching ramp in Jamestown

It was moved by Councilor Sutton, seconded by Councilor White to accept the letter from Onne van der Wal and to refer it to the Harbor Commission. So unanimously voted.

Councilor Sutton noted that there was a search conducted several years ago to locate a site for safe boat launching. Because of the depth of water needed and the available parking required, there has been no better location found that would facilitate a boat ramp than the one located at East Ferry.

Council President DiGiando noted that the Harbor Plan includes proposed improvements to the Fort Getty ramp.

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**
 - a) Conanicut Island Art Association
Art Show "Abstracts in the Fall"
October 2, 2008 5:00 p.m. – 7:00 p.m.
Jamestown Town Hall

It was moved by Councilor Szepatowski, seconded by Councilor White to approve the Exhibition License for the Conanicut Island Art Association to the Abstracts in the Fall art show on October 2, 2008 from 5:00 p.m. to 7:00 p.m. at the Jamestown Town Hall. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce J. Long re: legislative update

Representative Bruce Long gave an update to the Council on several issues of interest to the Town of Jamestown.

Representative Long informed the Council that the Town will be receiving \$12,500 in grant funding from the Rhode Island Resource Recovery Corporation. Representative Long also informed the Council that the Rhode Island Economic Development Corporation will be reviewing the Jamestown wind energy project for grant funding.

Regarding comments on the Rhode Island Turnpike and Bridge Authority implementing the E-Z Pass and subsequent proposed rate structure, Councilor Sutton stated that he wanted to point out that the Rhode Island Turnpike and Bridge Authority has always been a positive and important part of Jamestown.

- 2) Non-scheduled request to address

Walter Boll, Clinton Avenue, asked that the Council consider giving veterans a tax exemption of \$7,500 rather than the \$5,000 they presently receive.

Sav Rebecchi, Sail Street, stated his concerns regarding the rights-of-way that are no longer apparent because abutting property owners have landscaped them into their own

property. Mr. Rebecchi asked what legal rights are available to open these rights-of-way to public access.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Conservation Law Foundation “New England’s Down payment on the Future: Five Steps in Five Years to Confront the Climate Threat” re: request forwarded to Governor Carcieri to address the five steps (continued from 9/8/2008)

The Council discussed at great length their concerns with the threat of changes to the climate and addressed the five steps presented by the Conservation Law Foundation to confront those changes.

The five steps mentioned in the literature from the Conservation Law Foundation are as follows:

1. Expand public transit opportunities and give people the opportunity to drive less by spending at least 75 percent of transportation funds on public transit and compact, transit-oriented development.
2. Invest at least \$1 billion in new energy efficiency and conservation measures for our homes and businesses.
3. Build 2,000 megawatts of new wind power.
4. Shut down at least two of the region’s coal-fired power plants or convert them to cleaner, low-carbon fuels.
5. Enact legislation in every New England state that mandates reductions in greenhouse gas emissions and requires review of climate impacts in state permitting and infrastructure decisions.

It was moved by Councilor Sutton, seconded by Councilor Kelly to ask Governor Carcieri how the State of Rhode Island is responding to the five-step program to confront the threat of climate changes. So unanimously voted.

NEW BUSINESS

None

EXECUTIVE SESSION

It was moved by Councilor Kelly, seconded by Councilor White to enter into executive session at 7:55 p.m. pursuant to RIGL 42-46-5 (a) (5) real estate, acquisition of property. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

Upon the Council's return to the regular meeting at 8:08, Council President DiGiando announced that there were no votes taken in executive session.

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

It was moved by Councilor Sutton, seconded by Councilor Kelly to approve the recommendation of the Town Planner to enter into an appraisal agreement with Newport Appraisal Group, LLC. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Kelly, seconded by Councilor White to adjourn the meeting at 8:09 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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