

TOWN COUNCIL MEETING

December 22, 2003

(as amended on January 12, 2004)

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

Guy J. Settipane

Claire M. Ferguson arrived at 7:10 PM

also present:

Maryanne Crawford, CPA, Town Administrator

J. William W. Harsch, Town Solicitor

Arlene D. Petit, Town Clerk

Steven J. Goslee, Public Works Director

Fred Pease, Town Sergeant

Christopher Powell, Conservation Commission Chair

Arek Galle, Town Buildings and Facilities Committee

Dennis Webster, Neighbor Advisory Committee

Representative Bruce Long

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Boy Scouts, Troop 1 Eagle Scout Proclamations
 - a) Benjamin Civic
 - b) Robert Russ
 - c) Stephen Walsh

Council President Littman commended ~~the~~ Benjamin Civic, Robert Russ and Stephen Walsh for their hard work in reaching the honor of Eagle Scout.

It was moved by Council President Littman, seconded by Councilor Settipane to accept the letters regarding Eagle Scouts Benjamin Civic, Robert Russ and Stephen Walsh. So unanimously voted.

It was moved by Council President Littman seconded by Councilor DiGiando to adopt the proclamation honoring Eagle Scout Benjamin Civic. So unanimously voted.

It was moved by Council President Littman seconded by Councilor DiGiando to adopt the proclamation honoring Eagle Scout Robert Russ. So unanimously voted.

It was moved by Council President Littman seconded by Councilor DiGiando to adopt the proclamation honoring Eagle Scout Stephen Walsh. So unanimously voted.

Representative Long added his congratulations and noted that he would also be in attendance at the celebrations.

2) Highway Department Facility Liaison Group re: report and recommendations

Arek Galle, representing the Liaison Group, presented a summary of progress regarding the Highway Facility. Mr. Galle discussed the following liaison comments:

Drawings	<hr/> <p>Show the entire site consisting of the area for possible expansion of the barn, area of covered material storage and salt/sand storage, limits of clearing and site disturbance and existing vegetation. Provide wire-frame bird's eye perspective drawings of project prior to completion of models</p> <hr/>
Program	<hr/> <p>List operations not occurring with the building or service yard limits, equipment that will remain stored off site and off site material storage and material handling operations</p> <hr/>
Cost Estimate	<hr/> <p>The Council should request that the consultant provides cost estimate alternates for drainage, tank covers, retaining walls and building roof</p> <hr/>
Design	<hr/> <p><u>Screening</u>: indigenous plant species required, location, extent, quality and quantity of plant material is critical to providing some mitigation <u>Building Height</u>: Width should be carefully evaluated and vehicle spatial requirements shown on the drawings <u>Covered Outside Material Storage</u>: Size and location of proposed structures must be shown</p> <hr/>

Christopher Powell, representing the Jamestown Conservation Commission presented the commission's review of the Alternatives 3 (A & D) for the Highway Facility at Taylor Point. Mr. Powell stated that although the Conservation Commission is on record as not supporting the Taylor Point location, and recognizing that Taylor Point/Potters Cove is a natural esthetic area on Conanicut Island, they offer the following comments:

Westward Creep	<hr/> <p>Alternatives 3 (A & D) will require additional clearing west of the cart path which is not consistent with the original Council motion and is unacceptable to the Conservation Commission</p> <hr/>
Covering Tanks	<hr/> <p>This is supported by the Conservation Commission if this reduces the amount of open space that will be lost to the west</p> <hr/>
Coastal Zone	<hr/> <p>Portion of both Alternatives 3 (A & D) fall within the 200' area of jurisdiction under CRMC. Consideration must be given to Potters Cove (Type I Conservation area with SA water quality)</p> <hr/>
Expansion	<hr/> <p>Conservation Commission does not support any expansion into the conservation easement area or any area of proposed screening</p> <hr/>

Cistern	This feature should be incorporated into the building design for non-potable water use
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Building Design	Conservation Commission is in favor of using as many “green” building elements as possible
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Lighting	Outside lighting should be minimal and limited to that necessary to provide security and employee safety
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Dennis Webster, representing the Neighborhood Advisory Committee, gave a detailed report covering the following issues:

Covering Tanks	Develop the concept and estimate the cost of leaf screens
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Westward Creep	Highway Facility should be placed no farther west than is required to allow for sufficient screening to be planted between the facility and the sewer tanks
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Coastal Zone	Design considerations should keep the facility out of the 200’ coastal buffer zone
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Storage Yard	Request for Vollmer to provide calculations for the required width of the yard
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Screening	Suggests that Vollmer coordinate through the Town Administrator a mutually satisfactory screening concept during the concept design phase in sufficient detail to assure a reasonably accurate cost estimate for landscaping
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Drainage	A low-cost option should be promptly explored with DEM/CRMC and that the other three options be carried in the cost estimate
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Expansion	Location of any future bays should be shown on the site plan
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Building Height/Design	Suggestions on design and building height
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Employee Parking	Consideration should be given to the slope of the parking area
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Retaining Walls	Committee has suggested poured concrete walls as a better choice
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Covered Outdoor Storage	There should be a concept design and cost estimate for covered outdoor storage
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Cistern	Should be included in the concept design and cost estimate
Operational Efficiency	Building should be southeast-facing and located as far away from the aeration tank
Site Investigation	Development of the concept design will require soil borings or test pits on the site
Consideration of Alternatives	Several site alternatives were discussed with several sketches provided

Mr. Webster noted that the Neighborhood Advisory Committee recommends that the Council direct that the concept design and cost estimate be presented in the form of a number of options (such as drainage options) from which the Council can select the concept that will go forward to the final design. Additionally it was recommended that the concept design include a wire-frame model.

Council President Littman thanked the committees for their hard work and excellent input.

Following the presentation by members of the liaison group, the Council discussed how they expected to proceed:

- Vollmer Associates is familiar with the concerns and information discussed by the liaisons
- A meeting with Vollmer Associates to be scheduled in January to discuss cost estimates and timetable for project
- The Town Administrator and Steven Goslee will be the contact for Vollmer Associates
- The Council will review and authorize budget and design

It was the consensus of the Council that Vollmer Associates would be placed on the January 20, 2004 Board of Water and Sewer meeting to provide the Council with a schedule for the project and to develop a budget.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

None

CONSENT AGENDA

It was requested that items # 1(a) and 6 be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor Settipane to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:

- a)
 - b) 12/04/2003 Special Meeting
 - 2) Bills and Payroll
 - 3) Minutes from Boards, Commissions and Committees:
 - a) Planning Commission (11/19/2003)
 - b) Town Buildings and Facilities Committee (10/22/2003)
 - c) Affordable Housing Committee (11/10/2003)
 - d) Conservation Commission (11/12/2003)
 - e) Jamestown Substance Abuse Prevention Task Force (05/08/2003, 06/05/2003, 09/03/2003, 10/01/2003, 11/05/2003)
 - f) Harbor Management Commission (10/08/2003, 11/12/2003)
 - g) Zoning Board of Review (11/18/2003)
 - h) Jamestown Housing Authority (11/12/2003)
 - i) Library Board of Trustees (11/18/2003)
 - 4) CRMC Notices:
 - a) Cease & Desist Order re: Terek & Matilda Wehbe, 5 Princess Pine Way, Lincoln, RI for undertaking earthwork, construction of structural shoreline protection and vegetative clearing within 200 feet of a coastal feature at property located at Plat 4 lot 101; 566 East Shore Rd.
 - b) Clifford L. White & Mary K. Farrell re: construction and maintainance of a residential boating facility located at Plat 3 lot 121, 541 Seaside Dr.
 - c) Marilyn Munger, 1 Ferry Wharf re: modifications to CRMC Assent A2002-06-027, by replacing pilings with factory alternate chain and embedment anchoring system; located at Plat 9 lot 354, said location
 - 5) DEM Notice re: RIDEM Strategic Work Plan FY 2004-2005 Public Meeting Invitation (January 13, 2004)
 - 6) Proclamations and Resolutions from other Rhode Island Cities and Towns:
 - a)
 - 7) Thalmann Engineering Co. re: ISDS Application #0115-1129 for variance request Ship Street; Assessor's Plat 15, Lot 87
 - 8) Abatements/Addenda of Taxes
- *****
- 1) Adoption of Council minutes:
 - a) 12/08/2003 Regular Minutes

Council President Littman requested that the date be corrected on page 6, third paragraph. The date should be January 12, 2004.

Councilor DiGiando noted that on page 3, item 4 should be Bradford Swett.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the Council minutes from December 8, 2003. It was voted four in favor with Councilor Settipane abstaining.

- 6) Proclamations and Resolutions from other Rhode Island Cities and Towns:
 - a) City of Pawtucket re: Governor's Advisory Committee on Tourism

It was the consensus of the Council that the proclamation from the City of Pawtucket be forwarded to the Jamestown Chamber of Commerce.

It was moved by Councilor Long, seconded by Council President Littman to accept the proclamation from the City of Pawtucket. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Littman announced that there would be an executive session later in the evening, pursuant to RIGL 42-46-5 (a) (5) to discuss the acquisition of property.

- 1) Pursuant to RIGL 42-46-5 (a) (5): Real Estate (acquisition of property)

PUBLIC HEARING

None

OPEN FORUM

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

William Kelly, Grant Writer, reported that a number of grant applications submitted on behalf of the Fire Department did not receive a favorable response; however, Mr. Kelly has met with Representative Long and they are hopeful that a grant will become available in January that may have more favorable statistics.

Representative Long informed the Council that there would be additional federal dollars distributed to the State of Rhode Island in 2004 and he will work to encourage that some of these funds go to Jamestown. Representative Long informed the Council that he has requested several veteran's organizations submit their definition of a veteran for tax exemption purposes.

Jim Anderson, Pemberton Apartments informed the Council of the procedure for appointments to the Jamestown Housing Authority. Mr. Anderson noted that there is a Federal mandate that at least one member of the Jamestown Housing Authority Commission must be an eligible resident. The person in that position has moved from the complex and is no longer eligible. However, the Council has had applications from two residents who are qualified to fill the vacant position.

The Town Clerk was asked to inform the Council on the status of appointments to the Jamestown Housing Authority.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

- 1) Town Administrator's report (attached)

Blue Cross

Councilor DiGiando inquired if the Town would be receiving a rebate from Blue Cross. The Town Administrator stated that she has not been informed as to how much the Town will be receiving. The rate has dropped significantly from what was budgeted and will be discussed at the budget hearings.

Fort Wetherill

Councilor Settupane suggested that the Town take a more comprehensive look at the requests by the State regarding the proposal for the Fort Wetherill Aquatic Resource Center Fish Laboratory. Issues that could be addressed would be to have the tie-in that was promised to the Town for the old highway barn to the ISDS that the State has, and perhaps to renegotiate the Memorandum of Understanding.

The Town Administrator stated that she would proceed with hiring an engineering firm to review the plan presented by Christopher Powell on behalf of the Department of Fish and Wildlife. Additionally, The Town Administrator noted that she would work with the Harbor Commission to secure some funding to assist with the cost of the engineering.

Council President Littman requested that the Council receive information regarding the engineering firm and cost at the next Town Council meeting on January 12, 2004.

- 2) Ambulance Association Compensation Committee
 - a) Letter from Chair re: resignation

It was moved by Councilor Settupane, seconded by Councilor Long to accept the communication from the Ambulance Association Compensation Committee. So unanimously voted.

- 3) Water Resources Protection Committee
 - a) Letter from Chair Pro-Tem re: support land purchase budget

It was moved by Councilor Settupane, seconded by Councilor Long to accept the communication from the Water Resources Protection Committee. So unanimously voted.

UNFINISHED BUSINESS

- 1) Event License Application re: Save the Bay for Saturday, July 24, 2004 (fog date: Sunday, July 25 or Saturday, August 7, 2004); from 5:00 AM to 11:00 AM at Potters Cove/Taylor Point
 - a) Report from Town Solicitor

The Town Solicitor reported that he has provided an Indemnification/Hold Harmless Agreement for the Town to use for events such as the Save the Bay Swim. This agreement will be used along with the individual releases that have been used in the past.

It was moved by Councilor Settupane, seconded by Councilor Long to grant the event application for Save the Bay for Saturday, July 24, 2004 with a fog date of Sunday, July 25 or Saturday, August 7, 2004, at Potters Cove/Taylor Point, subject to the approval of the waiver and release as drafted by the Town Solicitor. So unanimously voted.

- b) Letter from Save the Bay re: Indemnification/Hold Harmless Agreement

It was moved by Council President Littman, seconded by Councilor Long to accept the letter from Save the Bay legal counsel, Paul Ryan. So unanimously voted.

- 2) Cost Sharing
 - a) Costs for proposal as presented by Town Administrator (continued from 12/08/2003)

Council President Littman addressed the letter submitted by Parmelee Poirier & Associates regarding the charge back costs to appropriate enterprise funds. This letter details the proposed procedures for tracking and compiling costs for work performed by the Public Works Department for particular agencies, and whether it would be financially feasible to proceed with this type of program.

Councilor Settupane indicated that he thought the solution was a software issue that could be managed in-house.

Councilor Long stated that he would rather have the review and recommendation from a professional firm in the determination for the need of this type of tracking and to provide the financial benefits to the Town.

The Council discussed their concerns with the cost of the study.

Councilor Settupane suggested that the Public Works Department track work for four months and forward the information to the accountant for their review and recommendations.

The Town Administrator noted that during the test period any personnel or equipment assigned to or providing services to an enterprise fund would be documented internally. At the conclusion of the test period the Finance Director will compile the data and determine the total amount to be charged back to the various enterprise funds and the associated costs of compiling and tracing the information. The auditors would then review the results and extrapolate the necessary data to determine the annual cost to be charged back to the enterprise funds to determine that the costs do not exceed the benefits and the need to continue to Phase II.

Councilor Settupane inquired if there is any tracking being done at the present time. The Town Administrator informed the Council that presently the Beavertail pipeline is being tracked. Councilor Settupane stated that this is necessary for good accounting and planning.

The Council discussed the possibility of using in-house tracking; however, the Town Administrator noted that the majority of the costs are for the extrapolation and review of information, not necessarily the costs associated with the in-house tracking.

It was moved by Councilor Long, seconded by Councilor Ferguson to approve Phase I of the tracking process. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settupane, nay; Council President Littman, nay. The motion passed with three in favor and two opposed.

- b) Submission from Sav Rebecchi re: Basic Time-on-Task (Project Cost) Tracking (continued from 12/08/2003)

No action taken

- 3) Harbor Management Commission re: appointments (continued from 12/8/2003)
 - a) Report from Town Solicitor with proposed amendment to the Jamestown Code of Ordinance Sec. 78-72

The Town Solicitor presented a proposed amendment to the present Jamestown Harbor Management Ordinance, which would change the membership to the Commission and bring it in line with the proposed Harbor Management Ordinance. Mr. Harsch informed the Council that he had assurances from Brian Goldman at CRMC that they would have no opposition to the Town Council amending the membership provisions of the current Ordinance so as to bring it into compliance with the Charter amendment and the special act of the General Assembly.

It was moved by Councilor DiGiando, seconded by Councilor to advertise the proposed amendment to Section 78-72 of the Jamestown Code of Ordinance, subject to receipt of a letter from the CRMC attorney agreeing that this is the proper process for the Town Council to take. So unanimously voted.

- 4) Highway Barn Facility (cont. from 12/08/2003)
 - a) Report from liaison group

Previously discussed.

- 5) DEM Fish & Wildlife re: Research Vessel Facilities Plan (cont. from 12/08/2003)
 - a) Review of plan presented by Christopher Powell

It was the consensus of the Council to continue the review of the plan regarding the Research Vessel Facilities Plan as presented by Christopher Powell to the next Town Council meeting on January 12, 2004.

- b) Letter from Harbor Management Commission re: DEM proposed marina dockage and perimeter at Ft. Wetherill

It was moved by Council President Littman, seconded by Councilor Long to accept the letter from the Harbor Management Commission. So unanimously voted.

- 6) Harbor Management Commission response re: CRMC notice of application of Bradford Swett for an assent to construct and maintain residential boating facility

It was moved by Councilor Long, seconded by Council President Littman to accept the response relating to the CRMC notice of application of Bradford Swett from the Harbor Management Commission. So unanimously voted.

COMMUNICATIONS

- 1) Letter from Senator Lincoln Chafee re: PATRIOT Act

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Senator Lincoln Chafee. So unanimously voted.

- 2) Letter from Rep. Bruce Long re: tax cap for upcoming fiscal period

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from Representative Bruce Long. So unanimously voted.

- 3) Jamestown School Department re: letter from Superintendent of Buildings & Grounds re: Public Works Department

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letter from Mr. Kitts regarding the Public Works Department. So unanimously voted.

NEW BUSINESS

- 1) Petition from Verizon Communications for one new joint pole:
 - a) Mast Street
 - b) Garboard Street

It was moved by Councilor Settipane, seconded by Councilor DiGiando to approve the petitions from Verizon Communications for one new joint pole for Mast Street and Garboard Street, subject to the review and approval of the Town Administrator, Town Solicitor, under the direction of the Public Works Director. So unanimously voted.

- 2) RI Resource Conservation & Development Council, Inc. re: assistance

It was moved by Councilor Settipane, seconded by Councilor Long to accept the communication from RI Resource Conservation & Development Council. So unanimously voted.

- 3) Conanicut Island Land Trust re: Open Space Survey

It was moved by Councilor Settipane, seconded by Councilor Long to accept the Open Space Survey from the Conanicut Island Land Trust. So unanimously voted.

- 4) Letter from the Chair of the Harbor Management Commission re: East Ferry Dinghy Dock and Ramp

Jim Archibald, Chairman of the Jamestown Harbor Management Commission, requested that a correction be made to the letter submitted regarding the bid for the new touch and go dock and ramp at East Ferry. The figure for the timber pile alternative was based on one of the pilings that are removed will be in good condition and will be reused in the installation. If that is not possible there is an alternative cost. The correction is as follows:

Name of Firm	Bid as Presented		Correction	
Narragansett Dock Works, Inc.	\$15,096.29	Total Base Bid	\$15,096.29	Total Base Bid
	<u>800.00</u>	Timber Pile Alt.	<u>291.25</u>	Timber Pile Alt.
	\$15,896.29	Total Bid	\$15,387.54	Total Bid
Reagan Construction Co.	\$32,465.00	Total Base Bid	\$32,465.00	Total Base Bid
	<u>1,435.00</u>	Timber Pile Alt.	<u>310.00</u>	Timber Pile Alt.
	\$33,900.00	Total Bid	\$32,775.00	Total Bid

The Town Administrator informed the Council that this purchase would be from Harbor Management funds.

Mr. Archibald referred to a letter submitted to the Town Council, dated June 18, 2003. Mr. Archibald noted that based on the position and the length of the ramp, it will not be possible to have an A.D.A. accessible ramp. It was also noted that there has been some concern raised regarding liability and enforcement issues relating to the touch and go dock and Mr. Archibald suggested that the Town Solicitor review those issues. Mr. Archibald reported that the use of the touch and go dock is primarily for recreational purposes.

The Town Solicitor stated that Larry Parks would provide a written opinion of any legal ramifications to the Council for their next Town Council meeting.

It was the consensus of the Council that this item be continued to the next meeting on January 12, 2004.

Mr. Archibald noted that the bid for this project was opened on December 9, 2003; the Town has sixty days for approval.

EXECUTIVE SESSION

It was moved by Councilor Long, seconded by Councilor Settipane to enter into executive session at 9:50 PM, pursuant to RIGL 42-46-5 (a) (5) to discuss the acquisition of property. The vote was Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion passed.

The Council returned to the regular session at 10:25. It was moved by Councilor Long, seconded by Councilor Settipane to seal the minutes of the executive session. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion passed.

It was moved by Councilor Settipane, seconded by Councilor Long to authorize the Town Administrator to continue negotiations with regards to the recommendations presented by the Water Resources Protection Committee. So unanimously voted.

It was moved by Council President Littman, seconded by Councilor Settipane to authorize the purchase the Ryng property, further identified as Plat 4, Lot 115, from the Conanicut Land Trust for the amount of \$193,000 plus closing costs, subject to the satisfactory agreement with RIDEM and approval of the Town Administrator and Town Solicitor.

There being no further business before the Council, it was moved by Councilor Settipane, seconded by Councilor Long to adjourn the meeting at 9:55 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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