

TOWN COUNCIL MEETING

January 9, 2006

As amended January 23, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:04 PM by Council Vice President. Julio J. DiGiando. The following members were present:

William A. Kelly
Barbara A. Szepatowski
Michael Schnack

absent: Council President David J. Long

also present:

Thomas P. Tighe, Interim Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Senator M. Teresa Paiva-Weed
Representative Bruce J. Long

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Proclamation honoring Town Clerk and Town Hall Staff

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to adopt the proclamation honoring the Town Clerk and Town Hall staff. So unanimously voted.

Council Vice President DiGiando read the proclamation honoring the Town Clerk and staff members of the Town Hall.

Councilor Schnack requested that the Proclamation honoring the Town Clerk and Town Hall Staff be signed by the Interim Town Administrator Thomas P. Tighe.

COUNCIL SITTING AS ALCOHOLIC 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.

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 item # 2, Bills and Payroll be removed from the consent agenda. It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the consent agenda as amended. So unanimously voted.

- 1) Adoption of Council minutes:
 - a) December 6, 2005 special meeting
 - b) December 6, 2005 executive session

- c) December 9, 2005 special meeting
 - d) December 9, 2005 executive session
 - e) December 12, 2005 regular meeting
 - f) December 12, 2005 executive session
 - g) December 16, 2005 emergency meeting
 - h) December 16, 2005 executive session
 - i) December 19, 2005 emergency meeting
 - j) December 19, 2005 executive session
- 2)
- 3) Minutes from Boards, Commissions and Committees:
- a) Jamestown Harbor Management Commission (June 6, 2005, November 9, 2005)
 - b) Planning Commission (October 19, 2005, November 2, 2005)
 - c) Jamestown Housing Authority (November 9, 2005)
 - d) Jamestown Substance Abuse Prevention Task Force (November 1, 2005, December 14, 2005)
 - e) Jamestown Zoning Board of Review (November 8, 2005, November 22, 2005)
 - f) Jamestown Philomenian Library (November 1, 2005)
 - g) Jamestown Tree Preservation and Protection Committee (November 15, 2005)
 - h) Wildlife Committee (December 8, 2005)
- 4) CRMC Notices:
- a) January 2006 Calendar
- 5) Abatements/Addenda of Taxes

2) Bills and Payroll

Councilor DiGiando stated concerns regarding the high cost of legal billing. The Town Solicitor explained that the billing was for three months. In addition, Mr. Harsch noted that there has been an increase in the use of legal services because of the transition between Town Administrators, as well as time spent on incentive plans for the emergency services and the volunteer fire department. Mr. Harsch also stated that there continues to be on-going litigation and issues relating to the high groundwater ordinance. Mr. Harsch assured the Council that the billing to the Town is at a reduced rate and does not include mileage.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the bills and payroll as presented. So unanimously voted.

Councilor DiGiando requested that an item under new business be moved up on the agenda.

New Business

- 2) Rhode Island Department of Environmental Management workshop held on 12/12/2005 re: well pollution in the Jamestown Shores (report from Councilor DiGiando)

Councilor DiGiando stated that the December 12, 2005 meeting with RIDEM was also attended by representatives from the Department of Health, Senator Paiva-Weed and Representative Long, as well as citizens of the Jamestown Shores area. An area of discussion at the December 12 meeting was the fact that there is a lack of legislation and support that would allow RIDEM to take action when a private well has been identified as polluted. Representatives from RIDEM are encouraging our Representatives and Senators to take action to give them the support that would allow for action to be taken. The Department of Health also indicated that they have little or no authority to act on individual well pollution.

Senator Paiva-Weed added that some of the frustration is that there are long-term and short-term solutions in terms of the overall problem. RIDEM has been very supportive of legislative initiatives. The Department of Health will be looking into some possible authority that would help with this type of situation. Senator Paiva-Weed commended the Council for identifying the need for bringing the State departments together to assist in a solution for the protection water resources in the Jamestown Shores.

Representative Long stated that some of the suggestions that were made at the meeting were that the Town, through the Comprehensive Plan, could adopt standards for areas of development and require water approval in order to obtain a certificate of occupancy. Another consideration might be to identify how a developing residential property might affect surrounding properties. Representative Long assured the Council that both Senator Paiva-Weed and he will be pursuing legislation to assist in the situation in the Jamestown Shores.

Councilor DiGiando stated that he would like to see the role of the Town identified.

There was Council discussion on the progress of the Wastewater Management Program and the affect that it is having in the Shores. Additionally, their was a discussion on the concern of property being un-developable because of the density of growth that has already taken place, as well as the "taking of property", and the unknown factor of the cumulative affect of development in the Shores.

It was the consensus of the Council to request that the Town Planner and Town Engineer provide the Council with a report on the progress of Town initiatives such as the Wastewater Management Plan and any other suggestions they may have. Additionally, Councilor DiGiando requested that the Town Solicitor address the issue of the taking of property. This will be continued to the February 13, 2006 Council meeting.

EXECUTIVE SESSION ANNOUNCEMENT

Council Vice President DiGiando announced that there would be an executive session this evening pursuant to RIGL 42-46-5 (a) (2) to discuss collective bargaining.

- 1) Pursuant to RIGL 42-46-5 (a) (2) collective bargaining

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

- 1) Town Administrator's Report (verbal)

Police Department Website
www.jamestownri.net/police

2006-2007 Budget

All Town departments will have their budgets to the Town Administrator by January 11, 2006.

Beavertail Lighthouse

The Building Official will be submitting a report for the January 23, 2006 Council meeting regarding the condition of the lighthouse and needed repairs.

Conanicut Battery Agreement

It has been requested by the Jamestown Historical Society that the Town renew their agreement to assist with the maintenance of the Conanicut Battery. This will be on the Council agenda for the January 23, 2006 Town Council meeting.

Municipal Court

The Town Administrator reported that he is working with the Town Solicitor and will present additional information regarding the proposed Municipal Court for the Town of Jamestown at the January 23, 2006 meeting.

50% Landfill Closure Report

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to hold a work shop with RIDEM on Wednesday, February 1, 2006 to review and solicit input on the 50% Landfill Closure Report. So unanimously voted.

Land Donation

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the property donated to the Town by Frederick and Shirley Abbott. So unanimously voted.

Request for Council consideration:

- a) Set date for public work shop re: former landfill closure
(Wednesday, February 1, 2006 at 7:00 PM, Jamestown
Philomenian Library)

Previously discussed.

- 2) Wildlife Committee re: progress report

Because the progress report was not received, this item was continued to the January 23, 2006 Council meeting.

- 3) Memorandum from the Town Clerk re: formal discharge of the Town Administrator Search Committee

It was moved by Councilor Schnack, seconded by Councilor Kelly to formally discharge the Town Administrator Search Committee, effective immediately. So unanimously voted.

- 4) Harbor Management Commission review of CRMC Notice 2005-09-020

No action taken.

PUBLIC HEARING

ORDINANCES AND RESOLUTIONS

- 1) Resolutions objecting to rate increase proposed by the National Grid
 - a) Providence City Council
 - b) Hopkinton Town Council

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the resolutions from Providence City Council and Hopkinton Town Council objecting to the rate increase proposed National Grid. So unanimously voted.

- 2) Westerly Town Council re: request for Rhode Island Department of Health to provide expanded efforts regarding the prevention of Lyme and other tick-borne diseases

It was moved by Councilor Schnack, seconded by Councilor Kelly to accept the resolution from the Westerly Town Council regarding expanded efforts regarding the prevention of Lyme and other tick-borne diseases. So unanimously voted.

- 3) Exeter Town Council re: request to join with the Town of Exeter as amici curiae (not party to the action; information provided by similarly situated municipalities)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the request regarding the case of Exeter-West Greenwich Regional School District v. the Town of Exeter. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) GZA GeoEnvironmental re: September 2005 Groundwater Monitoring Report

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to accept the September 2005 Groundwater Monitoring Report from GZA GeoEnvironmental. So unanimously voted.

- 2) CRMC Public Notice re: consideration of an application of Brian Galvin to construct and maintain a residential boating facility to consist of a 4' x 133.4' fixed pier, a ramp and (150 sq ft) float; plat 3 lot 14, 509 Seaside Dr. (applicant has been notified that this will appear on the agenda)

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the CRMC public notice concerning an application of Brian Galvin to construct and maintain a residential boating facility. So unanimously voted.

- 3) Rhode Island Department of Transportation re: Transportation Enhancement Program (list of approved projects)

It was moved by Councilor Kelly, seconded by Councilor Schnack to accept the list of approved projects from RIDOT. So unanimously voted.

- 4) Weaver's Cove Energy News Letter Fall 2005, Volume 5

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to accept the Weaver's Cove Energy News Letter. So unanimously voted.

- 5) Copies of letters relating to the opposition of variances for the development of Plat 1 Lot 33

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the letters relating to the opposition of variances for the development of Plat 1 Lot 33. So unanimously voted.

- 6) Health Communications, Inc., Training for Intervention Procedures re: community alcohol education program

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the information from Health Communications, Inc. So unanimously voted.

- 7) Letter from Catherine J. Rose re: objection to development on a lot situated on the corner of Mast Street and Helm Street, Plat 14, Lot 265

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to accept the letter from Catherine J. Rose and request that the letter be forwarded to the Planning Commission and to suggest that Ms. Rose forward her concerns to the Department of Health and RIDEM. 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.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long – legislative update

Representative Long presented a legislative update to the Council.

- 2) Non-scheduled request to address

Phillip Zarlengo, Seaside Drive, stated that the Jamestown Shores Association does not support the accelerated program that RIDEM has proposed for reviewing variances.

APPOINTMENTS AND RESIGNATIONS

- 1) Jamestown Housing Authority (One (1) vacancy – term ending December 31, 2010; duly advertised and interviews complete; if favorable, appoint)

- a) Letters of recommendation
 - i) Ralph L. Misto, Jr.
 - ii) Valerie Topp, Vice Chair
- b) Request for reappointment
 - i) Ernest Anthony, Jr.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to reappoint Ernest Anthony, Jr. to the Jamestown Housing Authority for a term ending December 31, 2010. So unanimously voted.

- 2) Beavertail State Park Advisory (One (1) vacancy – term ending December 31, 2008; duly advertised and interviews complete; if favorable, appoint)
 - a) Letter of recommendation from Chair
 - b) Request for reappointment
 - i) Linda A. Warner
 - c) Letter of Interest
 - i) Guy A. Archambault

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to appoint Guy A. Archambault to the Beavertail State Park Advisory Committee. The motion failed with Councilor Kelly and Councilor Szepatowski voting in favor and Councilor Schnack and Councilor DiGiando opposed.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to reappoint Linda Warner to the Beavertail State Park Advisory Committee, term ending December 31, 2008. So unanimously voted.

- 3) Library Board of Trustees (Three (3) vacancies – term ending December 31, 2008; duly advertised and interviews complete; if favorable, appoint)
 - a) Letters of recommendation
 - i) Nancy Logan, Chair
 - ii) Lisa Tyre
 - iii) Rosemary Forbes-Woodside
 - b) Request for reappointment
 - i) Daniel Donahue
 - ii) Delia Klingbeil
 - iii) Lisa Tyre
 - c) Letter of Interest
 - i) Katherine Wineberg

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to appoint Katherine Wineberg to the Library Board of Trustees, term ending December 31, 2008. So unanimously voted.

It was moved by Councilor Kelly, seconded by Councilor Schnack to reappoint Lisa Tyre to the Library Board of Trustees, term ending December 31, 2008.

Councilor Szepatowski recused from any discussion and vote regarding Ms. Tyre.

The motion passed with a vote of three in favor, and Councilor Szepatowski recusing.

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to reappoint Delia Klingbeil to the Library Board of Trustees, term ending December 31, 2008. So unanimously voted.

- 4) Tree Warden (Appointed yearly by the Town Council)
 - a) Letter of recommendation
 - i) Robert Dolan
 - b) Request for reappointment
 - i) David Nickerson

It was moved by Councilor Schnack, seconded by Councilor Kelly to reappoint David Nickerson as Tree Warden for the year 2006. So unanimously voted.

- 5) One vacancy for a Republican alternate on the Board of Canvassers, term ending 03/31/2011
 - a) Request for a list of nominations from Republican Party Chair

It was moved by Councilor Schnack, seconded by Councilor Kelly to instruct the Town Clerk to forward a request to the Republican Party Chair for a list of nominations for the position of alternate on the Board of Canvassers. So unanimously voted.

UNFINISHED BUSINESS

- 1) General letter (draft) of comment to RIDEM, Office of Water Resources, ISDS Division regarding concerns of the Council relating to the issuance of variances in the Jamestown Shores Area (for review and if favorable acceptance) (provided by Town Solicitor)

The Town Solicitor presented the final draft letter to be sent to the Director of the Rhode Island Department of Environmental Management with a copy to Chief Russell Chateaufneuf in the Water Resources Division regarding the Town's general concern in cases where variances are being sought in the high ground water table area. The Town Solicitor recommended that all applications requesting an ISDS variances in the Jamestown Shores should be forwarded to the Town Planner and or Conservation Commission for their comments to the Town Council. In addition, the general letter of concern should be sent as indicated above. The Town solicitor also recommended that any request for the construction or maintenance to piers should be forwarded to the Jamestown Harbor Management Commission for their review and comment to the Town Council.

It was moved by Councilor Szepatowski, seconded by Councilor Schnack to send the letter of concern as drafted by the Town Solicitor to the Department of Environmental Management, Division of Water Resources, for variance requests in the high ground water district in the Jamestown Shores. So unanimously voted.

- 2) Maintenance of ballfields (continued from 12/12/2005)
 - a) Discussion of maintenance schedule and budget for fields

The Town Administrator suggested that the budget and maintenance schedule for the ballfields be continued to the February 13, 2006 meeting in order to give the new Town Administrator a chance to review the information.

- 3) Jamestown Shores Beach – Head’s Beach re: concerns related by the Jamestown Shores Association (continued from 11/14/2005)

The Town Administrator informed the Council that he has been working with representatives from the Jamestown Shores Association regarding their concerns at the Jamestown Shores Beach. The requested signage will be placed at the beach at the beginning of the season. The Traffic Commission will be meeting in the near future to address any parking concerns. In addition, there will be additional boat patrol.

NEW BUSINESS

- 1) Capital budget preparation (per Councilor Kelly)

It was moved by Councilor Kelly, to instruct the Town Administrator to provide the Council with the initial capital budget for the Police, Fire, Recreation and Public Works Departments for review by the Council in preparation of the 2006 – 2007 budget year. Their being no second the motion failed.

- 2) Rhode Island Department of Environmental Management workshop held on 12/12/2005 re: well pollution in the Jamestown Shores (report from Councilor DiGiando)

Previously discussed.

- 3) Special Events and Exhibitions Policy and Procedures (presented by Town Administrator and Councilor Schnack)

It was the consensus of the Council that Special Events and Exhibitions Policy and Procedure be continued to the February 13, 2006 Council meeting.

- 4) Jamestown Harbor Management Commission
 - a) Request for authorization to use permitting process for dinghy and small boat storage at East Ferry and Fort Getty

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the request from the Jamestown Harbor Management Commission and to authorize the permitting process for dinghy and small boat storage at East Ferry and Fort Getty. So unanimously voted.

- 5) Request to award contract to expend CDBG funds for the replacement of 65 feet of cracked sidewalk in front of Pemberton Apartments senior housing and three handicap curb cuts at the intersection of Watson and Pemberton Avenues to K.M. Gladding Excavating, Inc. for an amount not to exceed \$6,500.00

The bid was awarded at the Board of Water and Sewer Commissioner’s meeting on December 19, 2005.

- 6) Land donation to Town for approval by Town Council

Previously discussed.

7) Town of Jamestown – Financial Statements June 30, 2005
It was the consensus of the Council to request that a work session be held at the Board of Water and Sewer Commissioner’s meeting on Tuesday January 17, 2006.

EXECUTIVE SESSION

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to enter into executive session at 8:40 PM to discuss collective bargaining, pursuant to RIGL 42-46-5 (a) (2). The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

- 1) Pursuant to RIGL 42-46-5 (a) (2) collective bargaining

ADJOURNMENT

Upon the return of the Council from executive session at 9:00 PM, it was moved by Councilor DiGiando, seconded by Councilor Szepatowski to seal the minutes of the executive session from the public. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to instruct the Town Administrator to follow the recommended action regarding negotiations. So unanimously voted.

There being no further business before the Council it was moved by Councilor Kelly, seconded by Councilor Schnack to adjourn at 9:03 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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