

TOWN COUNCIL MEETING
December 11, 2006

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:03 PM by Council President David J. Long. The following members were present:

Julio J. DiGiando
William A. Kelly
Michael Schnack

absent: Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Rhode Island Campaign for Clean Elections (Full Public Financing of Elections)
 - a) Presentation by Kartik Akileswaran, Brown University Student working with Democracy Matters

Mr. Akileswaran forwarded a request that the presentation be rescheduled to a January 2007 meeting. There being no Council objection, the presentation will be rescheduled.

- 2) Jamestown Round Marsh
 - a) Presentation by Christopher Powell and Carol Lynn Trocki re: restoration and protection of the wetlands at the Round Marsh

Mr. Powell was absent due to illness. Carol Lynn Trocki, member of the Jamestown Conservation Commission, reviewed the conditions of the wetlands at the Round Marsh located between North Road and East Shore Road. Phragmites australis, a tall-standing, non native grass, has invaded a portion of the marsh. This invasive grass has become common in disturbed habitat and offers little to no benefits to the marsh wildlife. Ms. Trocki stated that in order to restore the salt marsh it will be necessary to restore the tidal movement through the marsh by eliminating the phragmites, removing road construction debris which has, over the years, raised the topography of the land, and to encourage the growth of less invasive, native plants. Ms. Trocki asked for the support of the Council in applying for a grant from Rhode Island Coastal and Estuary Habitat Restoration Program and Trust Fund. The grant would assist in the following project plans: 2007 planning and design; 2007/2008 project construction; and 2007 – 2009 monitoring of the project. Ms. Trocki noted that to date, the potential project partners for the Round Marsh Salt Marsh Restoration Project are the Town of Jamestown, Rhode Island Natural Resources Conservation Service, Turnpike and Bridge Authority, Conanicut Island Land Trust, RIDEM, the Audobon Society and Save the Bay.

It was the consensus of the Council to move the item under New Business relating to the request for support of the grant application to restore the wetlands at the Round Marsh up on the agenda.

New Business

- 1) Request for approval of submission of the application to CRMC regarding the restoration and protection of the wetlands at the Round Marsh
It was moved by Councilor Kelly, seconded by Councilor DiGiando to instruct the Town Administrator to forward a letter of support specific to the Round Marsh Salt Marsh Restoration Project and approve the grant application to the Rhode Island Coastal and Estuary Habitat Restoration Program and Trust Fund. 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 item number 2 be removed from the Consent Agenda. It was moved by Councilor DiGiando, seconded by Council President Long to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) November 16, 2006 (special meeting)
 - b) November 27, 2006 (regular meeting)
 - c) December 1, 2006 (special meeting)
 - d) November 16, 2006 (executive session)
 - e) November 27, 2006 (executive session)
 - f) December 1, 2006 (executive session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Zoning Board of Review (10/24/2006)
 - b) Library Board of Trustees (11/06/2006)
- 4) CRMC Notices:
 - a) December 2006 Calendar
- 5) Zoning Board of Review abutter notification
 - a) Application of Peter Flood, property is located at 864 East Shore Rd., Tax Assessor's Plat 2, Lot 222, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to construct a second floor addition to an existing garage which is non-conforming by a

dimension being 13.74' from the side lot line, wherein 20' is required. Property is located in a RR80 zone and contains 101,334 sq. ft.

- 6) Proclamations & Resolutions from other Rhode Island cities and towns
 - a) City of Providence re: Resolution No. 444 requesting the repeal of State Special Education Laws deemed more restrictive than federal legislation
- 7) Rhode Island Water Resources Board
 - a) Booklet entitled "Water for Rhode Island, Today and Tomorrow"
- 8) Rhode Island Interlocal Risk Management Trust (The Trust) invitation to the 20th Annual Dinner Meeting, January 17, 2007
- 9) Jamestown Police Department Annual Report 2005
- 10) Jamestown Philomenian Library Calendar of Holiday Days Closed - 2007
- 11) Abatements/Addenda of Taxes

2) Bills and Payroll

Regarding Councilor Kelly's request for additional information, the Town Administrator provided the following:

Clerk & Records

70060.302	Neopost Leasing	postage machine in the Town Clerk's office used by all offices at the town hall.
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Police Protection

70310.315	William Donovan	reimbursement for expenses for classes at police convention held in Boston
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Ambulance

70600.454	Chris Costello	Mr. Costello provides training for JEMS staff to maintain their certification
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It was moved by Councilor Kelly, seconded by Councilor DiGiando to accept bills and payroll as presented. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

Council President Long announced that there would be an executive session following the regular meeting pursuant to RIGL 42-46-5 (a) (5) real estate to discuss town property and land acquisition.

- 1) Pursuant to RIGL 42-46-5 (a) (1) Personnel
 - a) Town Solicitor position

No executive session announcement for personnel.

- 2) Pursuant to RIGL 42-46-5 (a) (5) Real Estate
 - a) Town property
 - b) Land acquisition

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

- 1) Town Administrator's Report (verbal) items may be added as necessary

a) New Town hall construction

The Town Administrator reported the following update on the town hall construction:

- The foundation work at the town hall site should be completed by the end of next week.
- Rotting sills on the old town hall building has accounted for some unexpected cost to the project.
- There has been a \$2,500.00 unexpected expense caused by the amount of ledge found at the site.
- The Historical Society is working directly with the Architect for construction of the basement vault. The cost of the vault will be covered by the Historical Society.
- The Ali Dunn Organization is making arrangements to donate a clock to the Town for the new town hall.
- To date, the town hall project is two weeks ahead of schedule.

b) Golf Course lease

The Town Administrator reported the following information on negotiations regarding the Golf Course lease:

- Present lessee and Town in agreement on a five-year lease with a five-year option for renewal.
- The lessee will provide \$620,000 in capital improvements over the course of the lease period.
- The \$300,000 effluent filter upgrade will be absorbed by the lessee and the town equally.
- Formal proposal to be presented to the Council in January 2007.

The Council discussed the possibility of calling for a study of like structures in other communities. Council President Long noted that the last time the Golf Course lease was renewed the Town Administrator hired an independent consultant to research the potential of the Golf Course.

The Town Administrator was instructed to review the study and to report back to the Council at the January 2007 Council meeting.

c) RIDEM support for EPA Sole Source Aquifer designation

The Town Administrator reviewed the letter from Michael Sullivan, Director of RIDEM to Douglas Heath, USEPA New England Sole Source Aquifer Coordinator regarding the petition for designation as a Sole Source Aquifer submitted by Conanicut Concerned Citizens. Mr. Keiser noted that although RIDEM supports the sole source aquifer designation, the department does not agree with many of the statements regarding the closure of the Jamestown landfill and the threat that it poses to the environment as stated in their petition.

The Town Administrator reported that Mr. Heath will be making a presentation to the Jamestown Water Resources Protection Committee in order to assist the committee in

determining if the Council should support the petition to designate Jamestown as a Sole Source Aquifer.

The Council discussed the need for professional guidance in determining if the Town should seek the designation of a Sole Source Aquifer. The Town Administrator suggested that he would contact Dr. Daniel Urish, a professor of Civil and Environmental Engineering at the University of Rhode Island.

Councilor Kelly suggested that the Public Works Director, Steven Goslee, also be consulted regarding the Sole Source Aquifer.

d) Wind Energy update

The Town Administrator reported that the wind energy conference held on Saturday at Roger Williams University was attended by several Jamestown individuals interested in exploring renewal wind energy in Jamestown.

e) Collective Bargaining – IBPO and SEIU

The Town Administrator informed the Council that the union contracts for IBPO and SEIU will expire on March 31, 2007. Mr. Keiser expects to begin negotiations and will report back to the Council.

f) “Dan in Real Life” Movie Production

- i) East Ferry filming dates
- ii) Offer of contribution by Disney

The Town Administrator reported that the production activity on Melrose Avenue is nearing the end of filming. The production company will be filming at East Ferry on December 18, 19 and 20. Mr. Keiser informed the Council that he met with the East Ferry businesses to ensure that they were agreeable to the schedule. The filming will be conducted in the East Ferry parking lot exclusively, with security provided by off duty detail patrol officers. Mr. Keiser also noted that Disney Productions have contributed \$5,000 to the Town for hosting the film and \$2,000 to the School system for their support.

The Town Administrator stated that he is still reviewing the possibility of developing a specific fee schedule for future productions.

g) Protective gear – Town employees

The Town Administrator reported that a portion of the funds received from the Rhode Island Resource Recovery Grant would be used to purchase protective gear for the Department of Public Works staff. Each set of heavy foul weather protective gear will cost \$185.00.

Additional information provided by the Town Administrator follows:

GZA GeoEnvironmental Reports

The Town Administrator addressed an article in the Jamestown Press regarding the landfill closure preparation costs for the highway facility. Mr. Keiser noted that because

of the threat of a lawsuit by individuals opposed to the siting of the highway facility at the landfill or on lot 47, it was necessary to discuss procedural issues, if court action were to be taken, in executive session. The cost to site the highway facility at the landfill and construct the building was approximated at between \$2 million dollars and \$2.2 million dollars. The Town Administrator stated that there have been other options previously submitted by the Buildings and Facilities Committee that may be looked at.

Councilor Kelly indicated that the siting of the highway facility should not be driven by individuals that do not want it in a particular area and suggested that the Town look to the EPA Environmental Justice Program which supports the fair treatment of all people regardless of race, color, national origin, or income with respect to the development of environmental policies.

Conanicut Island Land Trust

It was the consensus of the Council to instruct the Town Administrator to forward a letter to the Conanicut Island Land Trust for the outstanding job they did in opening the view shed on North Road.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from Robert W. Sutton

It was moved by councilor Schnack, seconded by councilor DiGiando to accept the letter from Robert W. Sutton. So unanimously voted.

- 2) Request for donation from Domestic Violence Resource Center of South County

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the request for donation from Domestic Violence Resource Center of South County and to refer it to the Town Administrator. So unanimously voted.

- 3) Letter from Mike Schnack, Rotary Club Race Sponsor Chair re: clubs appreciation and results of bicycle race

It was moved by Councilor DiGiando, seconded by Councilor Kelly to accept the letter of appreciation from Mike Schnack. 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.

None

OPEN FORUM

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

Clayton Carlisle, West Passage Drive, requested that the Council consider the impact on neighborhoods before considering any location for a film production. Mr. Carlisle stated that the current production has been a hardship on his neighborhood because of the activity and the many trucks and vehicles that are parked in his neighborhood.

Ellen Winsor, East Shore Road, provided information relating to the need for Jamestown to be designated a Sole Source Aquifer and cited many New England cities and towns that presently have the designation. Ms. Winsor asked for the Council's support of the petition that is before the Environmental Protection Agency.

APPOINTMENTS AND RESIGNATIONS

- 1) Letter of resignation re: Jamestown Zoning Board of Review from Raymond Iannetta

It was moved by Councilor DiGiando, seconded by Council President Long to accept the resignation of Raymond Iannetta from the Jamestown Zoning Board of Review. So unanimously voted.

UNFINISHED BUSINESS

- 1) Deer Management (per Council President Long)

Council President Long asked for a progress report on the awareness program coordinated through RIDEM and the Town of Jamestown to assist in the control and management of the deer population. President Long also asked what measures have been taken to assess the possibility of allowing a controlled hunt on town-owned land.

The Town Administrator noted that he would be meeting with Lori Gibson and RIDEM enforcement staff on Thursday to discuss the possibility of a controlled deer hunt on town-owned land as well as the ability of the Town to limit access to Jamestown hunters only. In the past, Ms. Gibson has stated that the hunter safety rules and proficiency tests are stringent enough to ensure a safe hunt without limiting it to local hunters.

Councilor Kelly suggested that the Public Works Director be involved in the discussion because of his understanding of the various town-owned parcels and his concerns regarding the destruction to watershed property.

- 2) Board of Water and Sewer Commission
 - a) Meeting time change*

*Note: Motion to move the Board of Water and Sewer Commission meetings from 7:00 p.m. to 6:00 p.m. was tabled for consideration to the December 11, 2006.

Councilor Kelly reviewed the request to change the meeting time of the Board of Water and Sewer Commission from 7:00 p.m. to 6:00 p.m. Councilor Kelly noted that the

meetings were usually very short and it would be more convenient to Commission members and staff to hold the meetings at the earlier time.

The tabled motion from the November 27, 2006 was restated by the Clerk: It was moved by Councilor Kelly, seconded by Councilor Szezatowski to move the Board of Water and Sewer Commission meetings from 7:00 p.m. to 6:00 p.m. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Council President Long, aye. The motion passed with four in favor and Councilor Szezatowski absent.

NEW BUSINESS

1) Request for approval of submission of the application to CRMC regarding the restoration and protection of the wetlands at the Round Marsh
Previously discussed.

2) Wind Energy Committee re: expansion of committee membership to 7 residents and ad hoc members (Town Planner and Public Works Director)
The Council discussed the need for a broad base of knowledge and experience in researching and reviewing data in order to make a determination on the direction the Town of Jamestown should take in renewable energy.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to expand the Wind Energy Committee to seven resident members and 2 ad hoc members (Town Planner and Public Works Director). So unanimously voted.

3) Board of Water and Sewer Commission
a) Meeting time change (per Councilor Kelly)
Previously addressed.

4) High Groundwater Testing Review (per Councilor DiGiando)
The Town Administrator reported that Justin Jobin and Michael Gray are in the process of installing the groundwater meters. The study, which targets problem areas, will provide four season monitoring.

Councilor DiGiando stated that he was unaware that it would take one year before any results would be available and requested that the Town Administrator schedule an update on the progress of the study for a meeting in January.

5) Consent Agreement between RIDEM, Office of Water Resources and the Town of Jamestown re: Jamestown Potable Water Treatment Plant
The Town Administrator explained that the consent agreement would allow the Town of Jamestown to meet certain standards while the Town is changing over from the old sewer plant discharge system to the new system.

There was some concern by the Council relating to Paragraph #7, whereby the Town would pay a \$1,000 fine if the Town were found in violation.

The Town Administrator assured the Council that the limitations in the agreement are not excessive and it is not expected that the Town would exceed these limits or be in violation while in the change-over from the old system to the new system.

Council President Long requested that the Consent Agreement be continued to the Water and Sewer Commission meeting in December.

- 6) RIDEM application for consideration of Jamestown's designation as Tree City USA

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the submittal of the request for designation as a Tree City USA. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor DiGiando, seconded by Councilor Schnack to enter into executive session at 8:45 PM, pursuant to RIGL 42-46-5 (a) (5) real estate to discuss town property and land acquisition. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Council President Long, aye.

Upon the return of the Council from executive session at 9:21 PM, it was moved by Councilor DiGiando, seconded by Councilor Kelly to seal the executive session minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Council President Long, aye.

There being no further business before the Council, it was moved by Councilor DiGiando, seconded by Councilor Kelly to adjourn the regular meeting at 9:21 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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