

TOWN COUNCIL MEETING

November 26, 2007

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:

- Bruce R. Keiser, Town Administrator
- Peter D. Ruggiero, Town Solicitor
- Arlene D. Petit, Town Clerk

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 item #1 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)
- 2) Minutes from Boards, Commissions and Committees:
 - a) Library Board of Trustees (10/02/2007)
 - b) Beavertail State Park Advisory Committee (05/16/2007 amended, 10/17/2007 draft)
- 3) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) Warren re: request for resolution in support of providing long-term health care for veterans
- 4) Abatements/Addenda of Taxes

- 1) Bills and Payroll

Councilor Kelly requested additional information on the following items:

Legal

70050.201	A. Lauriston Parks	\$7,314.90
	Peter D. Ruggiero, Esq.	\$7,061.58
	Paul A. Sollitto	\$3,778.50

The Town Administrator explained that the billing of \$7,314.90 and \$3,778.50 was for the legal work provided by Mr. Parks and Mr. Sollitto in clearing the title of tax sale lots in the Jamestown Shores area. The funding for this work was through the Water Resource and Protection fund.

Town Solicitor Peter Ruggiero addressed the \$7,061.58 bill, noting that it is higher than the normal \$4,200.00 retainer because of on-going litigation, specifically two Zoning Board decisions that are being appealed and as such, outside the normal retainer.

Police Protection

70310.315	William Donovan	\$1,735.28
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Councilor Kelly stated that he would expect that all information received at conferences would be shared with appropriate staff members within each department.

Public Buildings

70490.101	Coverall of Southern NE	\$2,522.00
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The Town Administrator informed the Council that a Request for Proposals will be advertised to solicit bids for the cleaning of all Town buildings. Mr. Keiser suggested that the Council may wish to consider the addition of a staff member to replace the cleaning service.

It was moved by Councilor Kelly, seconded by Councilor White to accept the bills and payroll as presented. 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) (2) litigation
 - a) David and Jennifer Clancy

Council President DiGiando announced that the Council may seek to go into executive session later in the evening pursuant to RIGL 42-46-5 (a) (2) litigation regarding David and Jennifer Clancy.

The Town Administrator noted that there has been a communication from Attorney John Murphy that the Council may wish to discuss in open session. In addition, Mr. Keiser noted that he has had a discussion with Quentin Anthony, legal counsel for the Conanicut Island Land Trust regarding the Clancy issue.

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

- 1) Town Administrator Report (verbal)
Siting of Highway Facility at Taylor Point

The Town Administrator reported that he expects that Crossman Engineering would have preliminary recommendation with respect to the stormwater runoff. Working with CRMC and the Conservation Commission it is hoped that the option that would have the least impact on the environment would be adopted. Mr. Keiser stated that he would have additional information available for the Council at the next Council meeting.

In answer to Councilor Sutton's questions, the Town Administrator noted that Crossman Engineering was hired to provide site design and construction bid specifications for the preparation of the site.

Holiday Party

The Town Administrator noted that there would be a holiday party on December 13 at Trattoria Simpatico.

Councilor Sutton noted that he would support a written Town Administrator report.

Council President DiGiando asked for information relating to an email he received from the Coast Guard regarding a sunken boat at West Ferry.

The Town Administrator informed the Council that at this time he does not have any additional details to report regarding the sailboat that reportedly sunk at West Ferry.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Letter from John Doty, Jr. re: naming the Town Council chambers in honor of Rosamond A. Tefft

It was moved by Councilor Wright, seconded by Councilor Szepatowski to accept the letter from John Doty, Jr.. So unanimously voted.

It was the consensus of the Council that the naming of the Council chambers be put on the agenda for the next Council meeting on December 10, 2007.

LICENSES & PERMITS

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- 1) EXHIBITION LICENSE
 - a) Jamestown Chamber of Commerce – Holiday Events (list attached)
 - **Polar Express Trolley**
December 9, 2007

Departing from East Ferry

- **Dog Parade**

Sunday, December 23, 2007

Parade begins at the Fire Station, followed by Pet Santa photos and doggie manicures at the Community Center

It was moved by Councilor Szepatowski, seconded by Councilor White to approve of the Jamestown Chamber of Commerce holiday events. So unanimously voted.

OPEN FORUM

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

None

APPOINTMENTS AND RESIGNATIONS

- 1) Quonset Development Corporation Board of Directors
 - a) Resignation of Sav Rebecchi (term ending 12/31/2007)

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the letter of resignation from Sav Rebecchi with thanks. So unanimously voted.

Paperless Meetings

Councilor Kelly asked the Town Clerk to have information relating to paperless meetings for a Council meeting in January.

UNFINISHED BUSINESS

- 1) Memorandum from Town Clerk re: list of unfinished business items
 - Vendor's Licensing
 - PODS
 - East Ferry
 - Water Regulations
 - Events
 - Managing Growth
 - Boards, Commissions and Committees
 - Beavertail Lighthouse Lease

It was the consensus of the Council that the unfinished business items be discussed at a goal setting meeting to be held in January.

Beavertail Lighthouse Lease

The Council discussed their concerns relating to the vacancy of a caretaker at the Beavertail Lighthouse. In addition, the Council discussed the future plans for the lighthouse; in particular, the surplusing of the lighthouse by the US Coast Guard and the Town's intentions for the property.

It was the consensus of the Council that the Beavertail Lighthouse Lease be put on the December 10 Council agenda for discussion and to include a clarification by the Town Administrator of the benefits of a caretaker vs. a tenant at the lighthouse.

Open Meetings Law

It was the consensus of the Council that the Town Solicitor provide an overview of the Open Meetings Law.

NEW BUSINESS

- 1) Solid Waste and Recycling Services Agreement between RI Resource Recovery Corporation and the Town of Jamestown

The Town Administrator stated that the Solid Waste and Recycling Services Agreement is for the period from July 1, 2007 to June 30, 2008. The delay in presenting the agreement to the Council was because the RI League of Cities and Towns was appealing a proposed \$25.00 per ton fee for leaf/yard waste. The Town Administrator noted that the recent addendum to the agreement indicates the success of those efforts by eliminating the \$25.00 per ton fee listed in Section 9 (b). Mr. Keiser also pointed out that the only substantive change in the agreement is the increase in the over-the-cap tonnage fee from \$52.50 per ton to \$56.00 per ton.

The Council discussed their concerns relating to the process Rhode Island Resource Recovery Corporation uses in establishing the “over municipal cap” rate for the Town of Jamestown. Because the “cap” rate is low the \$56.00 tipping fee for non contract solid waste is a significant financial burden to the Town. There was discussion on increasing the Town’s efforts in educating the public on the need for recycling to lower tipping expenses as well as discussion on the possibility of instituting the “pay as you throw” initiative to reduce costs.

It was the consensus of the Council that the expansion of composting and recycling be discussed at a future Council meeting.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Municipal Solid Waste Management Agreement and addendum for the period of July 1, 2007 to June 30, 2008. So unanimously voted.

- 2) Request for Proclamation recognizing the Town staff for their professionalism and efforts in the opening of the new town hall (per Councilor Kelly)

Councilor Kelly stated that it was his intention to recognize the efforts of staff members for their assistance in opening the new town hall. Councilor Kelly stated the particular names and invited Council members to add any names that they would like to the list.

It was moved by Councilor Kelly, seconded by Councilor Sutton to issue a proclamation presented by the Town Council recognizing Thomas Tighe, in his service as interim Town Administrator; Bruce Keiser, Town Administrator; Steven Goslee, Director of Department of Public Works; Michael Gray, Town Engineer; Lisa Bryer, Town Planner; Arlene Petit, Town Clerk; Frederick Brown, Building Official; Christina Collins, Finance Director, in appreciation for the dedication of the professional staff that made the town hall project a success and brought to completion.

Council members discussed their concern with identifying specific individuals and the possibility of omitting a deserving staff member.

It was voted, Councilor Kelly, aye; Councilor Sutton, nay; Councilor Szepatowski, nay; Councilor White, nay; Council President DiGiando, nay. The motion failed with one in favor and four opposed.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski that the Town Council of the Town of Jamestown issues a proclamation thanking the staff of the Town of Jamestown for the extra effort, time and work that they went to in the design, creation, construction and moving into the new town hall. So unanimously voted.

- 3) Request for Proclamation recognizing the long-term service of Betty Hubbard on the Planning Commission (per Councilor Kelly)

It was moved by Councilor Kelly, seconded by Councilor White to issue a proclamation recognizing the long-term service of Betty Hubbard on the Planning Commission.

In answer to the question of what a retiring board member would routinely receive, the Town Clerk informed the Council that all members of a Council appointed board, commission and committee receives a certificate of appreciation and letter recognizing their commitment and dedication to the Town of Jamestown upon their retirement.

It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President, nay. The motion passed with four in favor and one opposed.

- 4) Union Contract Negotiations
 - a) NAGE #68 (Clerks and Dispatchers)

The Town Administrator informed the Council that the NAGE #68 union contract negotiations have been completed and ratified by the union members.

It was moved by Councilor Szepatowski, seconded Kelly to approve the NAGE #68 union contract. So unanimously voted.

EXECUTIVE SESSION

The Council discussed whether or not there was a need to enter into executive session to discuss the Clancy appeal. The Town Solicitor was asked to direct the Council in how to address confidential correspondence without entering into executive session.

The Town Solicitor noted that attorney / client privileged correspondence need not be made public in order to discuss it. The subject could be put on the agenda under open session and discussed without releasing the privileged communication.

The Town Solicitor suggested that the Council consider an executive session in order to receive direction on the legalities of the Clancy appeal and to put the item on the agenda for regular business in the event that the Council would like to have a public discussion.

It was the consensus of the Council that the Town Solicitor would provide the Council with a privileged communication outlining the Council's standing in an appeal of the Zoning Board of Review's decision.

Proxy Vote

Councilor Szepatowski asked the Town Solicitor to provide information regarding the ability to cast a vote via proxy.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Szepatowski to adjourn the meeting at 8:20 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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