

TOWN COUNCIL MEETING
March 26, 2007

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:00 PM by Town Council President David J. Long. The following members were present:

Julio J. DiGiando, Vice President
Michael Schnack

absent: William A. Kelly
Barbara A. Szepatowski

also present: Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
Peter D. Ruggiero, Town Solicitor
Lisa W. Bryer, Town Planner

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

COUNCIL SITTING AS BOARD OF WATER AND SEWER COMMISSION

1) March 19, 2007 (water division – from 03/19/07 meeting)

The Town Clerk informed the Council that agenda item number one for the Council sitting as Board of Water and Sewer Commission should have stated bills and payroll. The Town Solicitor advised that the item should be continued so that it can be properly posted.

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 numbered 5(b) and 7(b) be removed from the Consent Agenda. It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) February 12, 2007 (executive session)
 - b) March 12, 2007 (executive session)
 - c) March 12, 2007 (regular meeting)
 - d) March 13, 2007 (budget work session)

- e) March 15, 2007 (budget work session)
- f) March 20, 2007 (budget work session)
- 2) Bills and Payroll
 - a) March 26, 2007 (town council bills and payroll)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Housing Authority (12/12/2006, 02/07/07)
 - b) Library Board of Trustees (02/06/2007)
 - c) Jamestown Harbor Commission
 - i) Budget Committee (12/19/2006)
 - ii) Facilities Committee (12/19/2006)
 - iii) Mooring Implementation Committee (09/29/2006, 01/03/2007)
 - iv) Technology Committee (01/03/2007)
 - v) Harbor Commission (01/10/2007, 02/28/2007)
- 4) CRMC Notices:
 - a) March 2007 Calendar (amended)
- 5) DEM Notices:
 - a) 2007 Additions Farms Requesting Notices from Town (no listings for Jamestown)
 - b)
- 6) Zoning Board of Review abutter notification:
 - a) Application of Eastern Resorts Co. LLC, for a variance from Article 7, Section 703, 704
 - b) Application of Mar E. Brasil, for a variance from Article 3, Section 82-302
 - c) Application of Allan and Nancy Randall, for a Special Use Permit under Article 6, Sections 82-600, 601 and 602, pursuant to Table 3-1
- 7) Proclamations & Resolutions from other Rhode Island cities and towns:
 - a) Town of Barrington re: Resolution supporting Public Financing of Elections Act
 - b)
 - c) Town of Burrillville re: Resolution opposing the privatization of food and housekeeping services
 - d) Town of Portsmouth re: Resolutions supporting School Housing Project Costs, and supporting Group Home Educational Funding
 - e) Town of Hopkinton re: Resolutions supporting School Housing Project Costs, and supporting Group Home Educational Funding

- 5) DEM Notices:
 - b) Project Priority List Request for Projects State Fiscal Year 2008 (copy forwarded to Public Works Director)

Councilor Schnack requested additional information on the Project Priority List Request for Projects State Fiscal Year 2008.

The Town Administrator explained that the program is similar to TIP relative to funding eligibility under the State Revolving Fund. Applications are submitted state-wide and

priorities are ranked by the Department of Environmental Management for funding. This could be an alternate funding for the 2009 Jamestown landfill closure. There are no projects that would fit the criteria scheduled for fiscal year 2008.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the Project Priority List Request for Projects State Fiscal Year 2008. So unanimously voted.

- 7) Proclamations & Resolutions from other Rhode Island cities and towns:
 - b) City of Pawtucket re: Resolution supporting legislation entitled “An Act Relating to Fish and Wildlife – Menhaden Management Area”Councilor DiGiando noted that he was contacted by David Smith, who informed him that this act has not been reviewed by the State Fisheries Council and requested that the Council be so informed.

It was moved by Councilor DiGiando, seconded by Council Schnack to accept the resolution from the City of Pawtucket. 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 re potential disposition of Town owned real estate
- Council President Long announced that the Council may seek to go into executive session pursuant to RIGL 42-46-5(a)(5) real estate.

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

- 1) Town Administrator (verbal report)
The Town Administrator stated that he would like to set a date for the Town Council to consider the adoption of the Town budget. It was the consensus of the Council to instruct the Town Administrator to set the date for budget adoption.

The Town Administrator informed the Council that the application submitted to RIDEM by David Thurston was denied for several reasons; one of which was that the proposed project would contribute to adverse cumulative impacts on wetlands thereby resulting in an undesirable alteration to freshwater wetlands. Mr. Thurston has the right to appeal the RIDEM decision.

- 2) Town Solicitor (verbal report)
The Town Solicitor reported that he has reviewed the sewer facility contract prior to the award of the bid. In addition, Mr. Ruggiero informed the Council that he has been working with the Planning Commission regarding several applications and has attended a meeting regarding a notice of violation for a zoning matter, which he is in the process of trying to resolve. Mr. Ruggiero noted that he has spent a great deal of time on the Open Meetings Act complaint. Because the complaint involves two issues and more than one

year of activities, Mr. Ruggiero stated that he would be requesting an extension. Mr. Ruggiero presented a draft letter of reply for the Council to review and requested that Council members contact him if they have any further information.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

- 1) Resolution 07-005 relative to the Non-Renewal of Insurance for Coastal Properties

The Council discussed their concerns relating to the non-renewal of insurance for properties on the coastline. There was also concern raised because of the high increase in premiums and deductibles on insurance that has recently been written.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to adopt Resolution 07-005 encouraging Governor Carcieri and the General Assembly to look at this problem and to request that they form a committee to formulate solutions for coastal and near coastal property owners within the State of Rhode Island. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Communication from Taft & McSally LLP re: congratulations on the upgrade in the Town's bond rating from Moody's Investors Service to Aa3

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the communication from Taft & McSally congratulating the Council on the upgrade in the Town's bond rating to Aa3. So unanimously voted.

- 2) Letter from Department of Attorney General re: Bolger v. Jamestown Town Council

It was moved by Councilor Schnack, seconded by Councilor DiGiando to accept the letter from the Department of the Attorney General re: Bolger v. Jamestown Town Council. 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.

- 1) HOLIDAY LICENSE RENEWAL APPLICATION
 - a) Jian Sheng Ni d/b/a Peking Garden
38B Narragansett Avenue

The Town Clerk reported that the Holiday License Renewal Application for the Peking Garden was in order.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Holiday License for Jian Sheng Ni d/b/a Peking Garden. So unanimously voted.

OPEN FORUM

1) Scheduled request to address
None

2) Non-scheduled request to address

Rosemary Woodside, Skysail Court, representing the Humane Society, announced that there would be a rabies clinic on April 7, 2007. The Humane Society will be taking photographs of pets to be used in case of a catastrophic event.

Ms. Woodside asked for information regarding surveillance equipment to be given to the Library Board of Trustees.

Maureen Rubino, Prudence Lane, expressed her concern regarding the antennas approved by the Zoning Board of Review for installation on the water tower. Ms. Rubino stated that her children have suffered health issues attributed to radiation. Ms. Rubino stated that we need to be sure that the total radiation coming off the tower does not exceed the FCC limits. Ms. Rubino read a statement regarding the dangers of radiation emitted from the antennas and requested that the Town Council halt the installation until research has been completed to determine if the antennas are a danger to the health of the community.

The Town Administrator informed the Council that permits have been issued for the installation of the antenna.

The Town Solicitor stated that it was his understanding that the contracts for the installation have been executed.

Council President Long asked Ms. Rubino to expand on the health issue that she stated was caused by radiation. Ms. Rubino answered that there was one illness in another community and one in Jamestown.

It was the consensus of the Council to request Federal Communications information relating to current measurement of emissions from the antennas already in place on the water tower. The Council was in agreement that this item should be on the April 9, 2007 Council agenda.

Gay Greene, Howland Avenue, noted that she is a direct abutter to the water towers and a cancer survivor. Ms. Greene stated that the water tower was painted with lead paint and that her son has tested positive for lead. Ms. Greene suggested that any contract that has been entered into be halted and that the tests take place as soon as possible. Ms. Greene indicated that she had never been notified as an abutter of any changes on the water towers.

Eileen Tiexiera, Howland Avenue, stated that her son tested positive for lead several years ago. In addition, Ms. Tiexiera expressed her concern on the dangers of the antennas on the water towers and the signage warning of the dangers.

Ellen Winsor, East Shore Road, stated that the issue relating to the dangers caused by the cellular antennas might be a Department of Health issue.

Carol Nelson-Lee, Buoy Street, asked the Council to act positively on the request from the Rolling Agenda for support for grant funding.

The Town Clerk announced that the Town Council would conduct a field trip to the East Ferry to view the docks on April 18, 2007 at 10:00 PM.

APPOINTMENTS AND RESIGNATIONS

- 1) Wind Energy Committee (new committee)
 - a) Seven (7) vacancies; two-year term ending date of May 31, 2009; duly advertised and interviews complete. If favorable, for consideration of appointment.
 - b) Letters of interest
 - i) Joseph S. Logan
 - ii) William C. Brennan
 - iii) Abigail Anthony
 - iv) Michael J. Larkin
 - v) Chris Kent
 - vi) Brown Beezer
 - vii) Jonathan Shippee
 - viii) Brian R. Buck
 - ix) Bob Bowen
 - x) Robert Rodgers
 - xi) Clayton Carlisle
 - xii) Rob Braisted
 - xiii) William W. Smith, III
 - xiv) Don Wineberg
 - xv) Virginia Perry
 - xvi) Robert A. Ullrich

Councilor DiGiando reminded the Clerk that the Council had changed the number of appointments on the Wind Energy Committee to seven rather than the five that was indicated on the charge of the committee.

Council members individually noted their selections for the Wind Energy Committee and forwarded them to the Clerk to tally.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to appoint the following members to the Wind Energy Committee for a term of two years (term ending May 31, 2009).

- William C. Brennan

- Abigail Anthony
- Michael J. Larkin
- Robert Bowen
- Clayton Carlisle
- William W. Smith, III
- Donald Wineberg

So unanimously voted.

- c) Conservation Commission request for appointment of liaison to Wind Energy Committee
 - i) Cathy Roheim

The Council discussed the excellent qualifications of the applicants for the Wind Energy Committee and for the present, it was the consensus of the Council that there would be no other appointments. However, the Council welcomed the attendance of a representative of the Conservation Commission and any other interested parties to attend the Wind Energy Committee meetings.

- 2) Jamestown Emergency Medical Compensation Committee (formerly known as Ambulance Compensation Committee)
 - a) One (1) vacancy; term ending May 31, 2009; duly advertised and interviews complete. If favorable appoint
 - b) Letter of Interest
 - i) Wendy Harvey

It was moved by Councilor DiGiando, seconded by Councilor Schnack to appoint Wendy Harvey to the Jamestown Emergency Medical Compensation Committee (formerly known as Ambulance Compensation Committee) for a term ending May 31, 2009. So unanimously voted.

- 3) Memorandum from Town Clerk re: Request for ratification of committee members and appointment of new member to the Emergency Medical Services Compensation Committee (formerly known as the Ambulance Compensation Committee)

The Town Clerk informed the Council that there have been some changes to the membership on the Compensation Committee and requested that the Council ratify those changes.

It was moved by Councilor DiGiando, seconded by Council President Long to adopt the list of members on the Emergency Medical Services Compensation Committee as presented by the Town Clerk. So unanimously voted. The Committee consists of the following five members as appointed by the Jamestown Town Council:

Mary Ann Joyce	JEMS Representative	term ending 5/31/2009
Nancy Kolman Ventrone	JEMS Representative	term ending 5/31/2008
Betty R. Kinder	Citizen-at-Large	term ending 5/31/2007
Wendy Harvey	Citizen-at-Large	term ending 5/31/2009

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Board of Water and Sewer Commission (per Councilor Schnack)
 - a) Review of scheduled meeting time

Councilor Schnack stated that he was having a difficult time making the 6:00 PM meetings for the Board of Water and Sewer Commission and requested that the Council consider other options. Discussed was the possibility of moving the time up to 7:00 PM, or meeting as the Board of Water and Sewer Commission on a Council meeting night at 7:00 PM and moving the Council meeting up to 7:30 PM.

The Council discussed several options for a meeting schedule for the Board of Water and Sewer Commission. However, it was felt that the decision should be held until all Council members were present.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to continue any vote relating to the change of time for the Board of Water and Sewer Commission meetings to the April 9, 2007 Town Council meeting.

- 2) Fort Getty (per Council request at budget work session)
 - a) Failing septic system (located near the gate house)

The Town Administrator informed the Council that the Town Engineer has forwarded the following options that could be considered in dealing with the failing septic system at Fort Getty:

- Tie-in to sewer system – long term solution with an estimated capital cost of \$200,000.00
- Replace the septic field – this has a limited lifespan
- Install large 20,000 gallon holding tank – additional pump-out cost of approximately \$3,200.00 per year

The Town Administrator noted that the Town must apply for permits on any of the above-mentioned considerations.

The Council discussed how the system would be funded. Several solutions were suggested; such as, tie the cost into the camper fees as a user fee; town funding with a surcharge for a portion of the upgrade.

Pat Bolger, Fort Getty Master Plan Committee member, suggested that because more than one-half of the campers use a waste collection service, the upper septic field could be used. Or, if that was not appropriate, all campers could be required to use a service provided by a vendor.

The Town Administrator commented that the septic waste from the campground is chemically treated; and as such, is inappropriate for discharge into a septic field.

Councilor Schnack asked what the disposition of the waste has been in the past and asked if it goes through the Jamestown wastewater system. The Town Planner indicated that it did not go through the municipal system because it would have a tendency to overload the municipal system.

It was the consensus of the Council to continue this matter until the April 9, 2007 Council meeting so that the Town Engineer and the Superintendent of the Wastewater Treatment Plant can be consulted prior to any decision regarding an upgrade.

3) Police Dispatcher position (per Council request at budget work session)
The Town Administrator reported that for a twelve month period (March 1, 2006 – February 28, 2007) there were 132 shifts (8 hour shifts) that were filled by police officers rather than a civilian dispatcher. This amounted to \$38,751.60. Had there been a civilian dispatcher the cost would have been \$24,932.16, a savings of \$13,783.44. In addition, there were a total of 86 shifts that were filled by police officers when the normal duty officer was out on vacation, sick, com-time, personal days, etc., for an additional \$25,223.80 in police overtime. Had there been a civilian dispatcher to work the desk rather than a police officer the cost would have been \$16,243.68, resulting in a savings of \$8,950.12. It was noted by the Town Administrator that the filling of civilian dispatcher hours by police officers is stated in the union contract.

It was the consensus of the Town Council to instruct the town Administrator to adjust the FY2008 budget to include a floater civilian dispatcher in order to reduce the costs of overtime in the police budget.

- 4) Rolling Agenda; Best Land Use: Jamestown School Grounds and Perimeter Study re: request for Council endorsement for submission of grant funding
- a) Jamestown Community Fund grant in the amount of \$5,000
 - b) Newport County Fund grant in the amount of \$15,000

It was moved by Councilor Schnack, seconded by Councilor DiGiando to endorse the application by the Rolling Agenda to the Jamestown Community Fund grant in the amount of \$5,000.00 and the application to the Newport County Fund grant in the amount of \$15,000.00 for the Best Land Use: Jamestown School Grounds and Perimeter Study. So unanimously voted.

- 5) Request for Award of Bid
- a) to Crossman Engineering for an aerial survey of the Jamestown School Ground and the surrounding neighborhood encompassing the area within Narragansett Avenue, North Road, Arnold Avenue and Melrose Avenue for an amount not to exceed \$8670.00

The Town Planner informed the Council that eight bids were received for the aerial survey project, of which, Crossman Engineering was the low bid.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to award the bid to Crossman Engineering for an aerial survey of the Jamestown School Ground and the surrounding neighborhood encompassing the area within Narragansett Avenue, North Road, Arnold Avenue and Melrose Avenue for an amount not to exceed \$8670.00. So unanimously voted.

- 6) Verizon Communications and the Narragansett Electric Company re: relocation of one joint pole (P.192); North Main Road (for referral to, and approval of the Director of Public Works)

It was moved by Councilor Schnack, seconded by Councilor DiGiando to approve the relocation of one joint pole (P.192); North Main Road as stated in the petition from Verizon Communications and the Narragansett Electric Company. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor DiGiando, seconded by Councilor Schnack to enter into executive session at 8:06 PM pursuant to RIGL 42-46-5 (a) (5) real estate re potential disposition of Town owned real estate. It was voted, Councilor DiGiando, aye; Councilor Schnack, aye; Council President Long, aye.

Upon the return of the Council to the regular session at 8:20 PM Council President Long announced that there were no votes taken in executive session.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to seal the executive session minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Schnack, aye; Council President Long, aye.

There being no further business before the Council, it was moved by Councilor Schnack, seconded by Council President Long to adjourn the meeting at 8:23 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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