

TOWN COUNCIL MEETING
October 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 Littman. The following members were present:

David J. Long, Vice President
Julio DiGiando
Guy Settipane

absent: Claire Ferguson

also present were:

Chief Thomas Tighe, Town Administrator
Arlene D. Petit, Town Clerk
A. Lauriston Parks, Town Solicitor
Lisa Bryer, Town Planner
Gary Girard, Planning Commission Chair
Victor Calabretta, Planning Commission
Betty Hubbard, Planning Commission

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Presentation from the Aquidneck Island Planning Commission re: training series

The Council passed on the presentation from the Aquidneck Island Planning Commission as there was no one present from the commission.

- 2) Presentation from the Town Administrator re: Emergency Service Incentive Options

The Town Administrator presented a plan showing alternatives to the current emergency services system. Chief Tighe stated that with the increase in population, the demand for emergency services has grown to such a degree that it has placed a burden upon the volunteers of the Fire Department and the Ambulance Association.

Chief Tighe proposed the following:

- To implement a billing system to offset some of the cost
- Billing can be done in-house or through a third party
- Third party billing estimated cost: 6% of collections
- Communities collect an average of between \$50 - \$500 per service call
- Many communities do not collect directly from taxpayers, only insurance companies, reducing the collection rate

Assumptions used in Analysis

- All scenarios involving shift workers require a staff member to schedule
- All options are based on what is working in other communities
- Some communities require volunteer hours in order to get “paid” hours
- Hourly costs are based on non-cardiac certified staff
- Assumes an average of 272 calls annually
- Some communities use outside help to fill shifts

Options	Assumptions	Anticipated Cost (includes administrative costs)	Potential Reimbursement at 75% collection rate less collection fees of 6%	Net Cost of Ambulatory Services
Maintain Current System		\$45,000	\$38,000	\$7,000
Pay by the Call	services 24 hrs per day, \$50 per call per person, assign shifts	\$27,000 / \$72,000	\$38,000	\$34,000
Point System	Points awarded based on work load, longevity and education	\$169,000 / \$214,000	\$38,000	\$176,000
Annual Pay	\$4,000 per person, crew of 37	\$148,000 / \$193,000	\$38,000	\$155,000
Day: Pay by the Shift Night: Pay by the Call	10 hours day shifts, 2 volunteers per shift, \$13 per hour, \$50 per call at night (36% of calls are night calls)	\$105,000 / \$150,000	\$38,000	\$112,000
Day: Pay by the Shift Night: private contractor	10 hour day shifts, 2 volunteers per shift, \$13 per hour, \$100 per hour for remaining 14 hours	\$201,000 / \$246,000	\$38,000	\$208,000
Pay by the Shift	services 24 hours per day, \$13 per hour, 2 volunteers per shift	\$228,000 / \$273,000	\$38,000	\$235,000
Private Ambulatory Service	called 2 companies Bristol has taken bids	\$255,000 / \$300,000	\$38,000	\$262,000
Hire full time employees	4 employees on duty at all times at \$20 per hour (includes benefits)	\$701,000 / \$746,000	\$38,000	\$708,000

It was the consensus of the Council to continue the discussion on emergency service incentive options at the next Town Council meeting on October 25, 2004.

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.

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 moved by Councilor Long, seconded by Councilor DiGiando to accept the Consent Agenda as presented. So unanimously voted.

- 1) Adoption of Council minutes:
 - a) September 27, 2004 regular meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Town Administrator Search Committee (09/14/2004, 09/28/2004)
 - b) Harbor Management Commission (09/22/2004)
 - c) Zoning Board of Review (08/24/2004)
 - d) Fort Getty Master Plan Committee (08/05/2004, 09/02/2004)
 - e) Jamestown Substance Abuse Prevention Task Force (09/28/2004)
 - f) Tree Preservation and Protection Committee (07/20/2004)
 - g) Planning Commission (07/07/2004, 08/04/2004, 08/18/2004, 09/01/2004)
 - h) Jamestown Housing Authority (09/08/2004)
- 4) CRMC Notices:
 - a) October 2004 Calendar
- 5) DEM Notices:
 - a) Question 8: Open Space & Recreation Bond
 - b) Addendum to the Rhode Island 2004-2005 Hunting and Trapping abstract re: Jamestown – Beavertail Cooperative Archery Deer Hunt
- 6) Copy of letter from Town Administrator to RIDOT re: Jamestown Bridge Demolition
- 7) Letter from the Rhode Island Association of the Deaf re: proclamation
- 8) Abatements/Addenda of Taxes

EXECUTIVE SESSION ANNOUNCEMENT

Council President Littman announced that the Council would meet in executive session later in the evening, pursuant to RIGL 42-46-5 (a) (2) to discuss litigation and RIGL 42-46-5 (a) (5) to discuss potential land acquisition.

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation (*per Town Solicitor*)
- 2) Pursuant to RIGL 42-46-5 (a) (5) Land Acquisition

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

- 1) Town Administrator report (verbal)

The Town Administrator reported that a representative from the Rhode Island National Guard would like to make a presentation to the Council regarding their request to use Dutch island as a training location.

It was the consensus of the Council to instruct the Town Administrator to make arrangements for a presentation in November.

The Town Administrator informed the Council that there will be a pre-contractors meeting at RIDOT headquarters on October 21, 2004 regarding the relocation of Jamestown's water line.

- 2) Reports from Department Directors
 - a) Report from Matthew Bolles, Parks & Recreation Director re: Conanicut Community Coalition

The Council discussed the immediate goal of the newly formed Conanicut Community Coalition to obtain a three-year grant in the amount of \$50,000 for the first year (with additional funding available for up to three years) from the Youth Opportunities Grants Program. This grant would be used to fund the salaries of an adult Teen Program Coordinator and a Junior Coordinator to plan and supervise programming efforts directly related to Jamestown's young teens.

The Town Administrator noted that this is not a matching grant and will not require additional budget funds from the Town during the three-year period.

There was concern by members of the Council that following the initial funding from the grant it would be necessary for the Town to increase the staffing to continue the program. The Council did not wish to commit to the possibility of additional staffing; however, there was some consideration of the possibility of continuing such a program with volunteers and a possible stipend.

It was moved by Councilor DiGiando, seconded by Councilor Long to instruct the Parks & Recreation Director to continue his efforts to seek the grant and continue to provide the Council with information. So unanimously voted.

- 3) Planning Commission
 - a) Affordable Housing Plan, Comprehensive Community Plan amendment approved by the Planning Commission for Town Council review and establish a hearing date

The Town Solicitor informed the Council that Affordable Housing Plan must be advertised for a hearing to be considered for adoption as an amendment to the Jamestown Comprehensive Community Plan and forwarded to the State without delay.

It was the consensus of the Council to advertise for a hearing on the Affordable Housing Plan for the Council meeting on November 8, 2004.

- 4) Quonset Davisville Liaison Committee
 - a) Letter from Chair re: committee status

It was the consensus of the Council to put the discharge of the Quonset Davisville Liaison Committee on the October 25, 2004 Town Council agenda under new business.

- 5) Town Clerk
 - a) Copy of letter from Town Clerk to E. Mary McDonagh re: request for documents

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the communication from the Town Clerk. So unanimously voted.

- 6) Town Solicitor
 - a) Report from Town Solicitor Parks re: Harbor Ordinance

The Town Solicitor reported that he would be meeting with Mr. Cute to review the Harbor Ordinance.

It was moved by Council President Littman, seconded by Councilor DiGiando to accept the communication from the Town Solicitor. So unanimously voted.

Council President Littman requested that Open Forum be heard prior to the public hearing.

Open Forum

- 2) Non-scheduled request to address

Daniel Lilly, Seaside Drive, stated that he is against the amendments to the High Ground Water Table Ordinance. Mr. Lilly informed the Council that he would like to expand his house and finds the additional costs to meet the requirements of the amended Ordinance to be unnecessary.

Kristin Kennedy, Lugger Street requested that the Council only consider amendments to the ordinance that will strengthen it.

Daniel Lilly, Beach Avenue, stated that he bought a starter home with the intention of expanding. With this ordinance it will be extremely expensive to consider any expansion.

Randall Tyson, Seaside Drive, suggested that the rules and regulations adopted by the Council should be for everyone and not just for specific properties in certain areas. Mr. Tyson stated that subjecting specific property in the Shores area only makes the property in that area less valuable; although, owners are being taxed at the highest and best use of the property.

Leo Errara, Riptide Street, stated that the brook past Head's Beach is always running and suggested that someone is diverting the water on both sides of the bridge.

Charlotte Zarlengo, Seaside Drive, expressed her concern about the Shores area and noted that 10 properties have been approved administratively, some of those properties were on tax relief and have now been build on.

Phillip Zarlengo, Seaside Drive, stated that he supports changes; however he does not support the any amendment that would allow for an expansion to be approved without going through the same process necessary for the approval of new homes.

Sav Rebecchi, Sail Street, stated that the ordinance was not intended to address Sub-district B additions. Additionally, Mr. Rebecchi stated that the changes being considered are substantive and should be published in the newspaper.

Debra D'Agostino, Steamboat Street, stated that the water runoff in the Steamboat Street area is extreme and requested that the Council pass an ordinance to address this.

Paul Hines, Seaside Drive, informed the Council that he purchased a small home and has always intended to build an addition. Mr. Hines stated that this ordinance puts a burden on the homeowner and suggested that groundwater was never an issue or concern until the new types of systems were allowed.

Al Iacobbo, Seaside Drive, inquired if an above ground shed would be included in the ordinance.

Sterling Graham, Racquet Road, asked if a house was built on columns with a collective system and there was no interrupted ground flow, could the whole area be used.

Members of the Planning Commission speaking in support of the Ordinance were as follows:

Victor Calabretta – Discussed the science behind the ordinance and how critical that stormwater runoff controls are in the Jamestown Shores. Best science alternative sewage disposal systems are already being mandated by DEM in the shores the majority of the time, but only our ordinance mandates stormwater controls. This is an issue that snowballs with each house, each addition and each new ISDS, all of which need filling and affect the path and rate of stormwater.

Gary Girard – Commented on his experience of constructing an addition under this ordinance. He finds it fair, reasonable and necessary.

Betty Hubbard – expressed her concern about surface water flow and flooding and explained that this is a protective ordinance, saving property values.

Town Planner, Lisa Bryer – Discussed the origin of the ordinance and how it has been working in the past year and a half. Ms. Bryer stated that the ordinance has always

regulated additions in the overlay district; however, it was determined that the language of the ordinance for Sub-district A may not be as clear as it should be. So out of an abundance of caution, the Building Official, under the advise of the Town Solicitor, has been administratively reviewing additions for sub-district A and approving them if they meet the specific criteria for sub-district B. The ordinance in general has been working very well and has made a significant difference to the Jamestown Shores area: Houses have been limited in size, there has been significantly less fill, stormwater is handled on site for the new construction and ISDS's are being installed that are state of the art. The six specific criteria relating to sewage disposal and stormwater runoff have been met in each and every application. This ordinance has and continues to be a success and all that is being asked at this time is to make it a stronger more streamlined ordinance.

There being no further comment, President Littman opened the public hearing.

PUBLIC HEARING

- 1) Proposed amendment to the Jamestown Zoning Ordinance related to: High Ground Water Table and Impervious Layer Overlay District (cont. from 09/27/2004)
 - a) Amended ordinance for adoption

The Town Solicitor cautioned that the changes which the Council made by consensus at the last Council meeting have no provisions for the regulation of Sub-district A other than the prohibition against swimming pools.

Councilor Settupane indicated that the ordinance as first initiated was developed to address wet undeveloped lots and new development. Councilor Settupane stated that the amendments as proposed put an unnecessary burden on existing homeowners that would like to construct a minimal addition. Councilor Settupane also suggested codifying the informal process making it less burdensome and something that will apply to everyone.

Councilor DiGiando noted the concern of residents as to whether their property is in Sub-district A or B. Councilor DiGiando further noted that Development Plan Review could be very complicated when projects such as the Manning Subdivision are considered; however, the majority of the residents so far have gone through the process without any professionals involved.

The Council further discussed the proposed ordinance for sections that would require further clarification.

It was the consensus of the Council that the changes made by the consensus of the Council on September 27, 2004 be reviewed by the Town Planner and Town Engineer and incorporated into the present ordinance for further review by the Town Council.

Councilor Settupane requested that the Planner look at the issues as they were discussed and to incorporate those suggestions into the ordinance for Council review.

Councilor Long stated that he would be willing to look at changes as outlined by Councilor Settiane once the proposed ordinance was brought back to the Council.

It was the consensus of the Council to continue the public hearing to October 25, at 7:00 p.m. at the Jamestown Philomenian Library.

Council President Littman called for a break at 9:45 p.m..

The Council returned at 9:55 p.m..

ORDINANCES AND RESOLUTIONS

- 1) Resolution No. 04-034R re: KeySpan LNG

It was moved by Councilor DiGiando, seconded by Councilor Long to adopt Resolution No. 04-034R in opposition to any expansion to the KeySpan LNG facility. So unanimously voted.

COMMUNICATIONS AND PETITIONS

- 1) Proposed deer hunt at Beavertail State Park
 - a) Petition from Rose-Ann Hadley
 - b) Letter from Maxine Clark
 - c) Letter from Ron DiMauro

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the letters from Rose-Ann Hadley, Maxine Clark and Ron DiMauro. So unanimously voted.

- 2) Letter from Senator Jack Reed re: resolution regarding a gambling casino in Rhode Island

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the letter from Senator Jack Reed. So unanimously voted.

- 3) E-mail from Guy J. Settiane with copy of communication to the editor re: High Ground Water Ordinance amendments

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Guy J. Settiane. So unanimously voted.

- 4) E-mail from Ronald E. Vars, East Kingston, NH re: deer population

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the e-mail from Ronald E. Vars. 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) Event License application for the Special Olympics to hold their annual Penguin Plunge on January 1, 2005 at Mackerel Cove town beach from 10:00 a.m. to 1:00 p.m.; insurance policy attached along with indemnification/hold harmless agreement

The Town Administrator reported that he would be meeting with the sponsors of the Penguin Plunge prior to the event to work out all the logistics.

Councilor DiGiando requested that the Town Administrator inform the sponsor that there have been concerns raised regarding possible damage to the dunes and beach grass by participants of this event.

It was moved by Councilor Settipane, seconded by Councilor Long to approve the event application for the Special Olympics to hold their annual Penguin Plunge on January 1, 2005 at Mackerel Cove Beach from 10:00 a.m. to 1:00 p.m. subject to the execution of the hold harmless agreement and other conditions as set by the Town Administrator and in conjunction with the Town Solicitor. So unanimously voted.

OPEN FORUM

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

Representative Long requested that the Council schedule the meeting with the National Guards for the second meeting in November.

- 2) Non-scheduled request to address

Previously discussed.

APPOINTMENTS AND RESIGNATIONS

- 1) Quonset Davisville Management Corporation Board of Directors
 - a) Letter from Jamestown representative Dennis Webster re: appointment of a voting representative and request to hold a workshop with Council

It was the consensus of the Council to schedule a presentation from Dennis Webster, Jamestown representative on the Quonset Davisville Management Corporation for the November 8, 2004 Town Council meeting.

- 2) Quonset Development Corporation pursuant to RIGL Chapter 42-64 entitled "Rhode Island Economic Development Corporation"; one (1) vacancy exists for a voting member appointed by the Town Council, 3 year term, beginning 12/31/2004 (if favorable, advertise for position)

It was moved by Councilor Settupane, seconded by Councilor Long to order advertising for the new position for a Jamestown voting member to the Quonset Development Corporation. So unanimously voted.

- 3) Conservation Commission
 - a) Two (2) vacancies exist, terms ending 12/31/2004 and 12/31/2005; duly advertised and interviews complete, if favorable appoint:
 - i) Letters of Resignation
 - Amy Barclay de Tolly, term ending 12/31/2004
 - Suzanne Vetromile, term ending 12/31/2005
 - ii) Letters of interest:
 - Carol Lynn Trocki
 - Danielle Tessier Minto
 - Robert Goode
 - Jennifer Stearns Talancy

Councilor Settupane inquired if the Code of Ordinance allows for the appointing of a person currently working for the Town. The question was directed to the Town Solicitor. Mr. Parks suggested that the appointment be continued to the October 25, 2004 Council meeting in order to give him time to respond.

- 4) Affordable Housing Committee
 - a) Two (2) vacancies exist, terms ending 05/31/2005; duly advertised and interviews complete, if favorable appoint:
 - i) Letters of Resignation
 - Paul M. Robertson, term ending 5/31/2005
 - Carolyn Coble, term ending 5/31/2005
 - ii) Letters of interest:
 - Nancy Mason
 - Katherine Maxwell
 - Valerie Molloy (also sits as alternate on Town Buildings and Facilities Committee)

It was moved by Councilor Settupane, seconded by Councilor Long to appoint Nancy Mason to the Affordable Housing Committee for a term ending 5/31/2005 and to appoint Katherine Maxwell to the Affordable Housing Committee for a term ending 5/31/2005. So unanimously voted.

UNFINISHED BUSINESS

None

NEW BUSINESS

- 1) Vollmer Associates contract amendment

It was moved by Councilor Settipane, seconded by Councilor Long to request that the Town Solicitor review the original contract with Vollmer Associates to see if it covers presentations and if the contract amendment is necessary and to report back to the Council on October 25, 2004. So unanimously voted.

- 2) Letter from Eric A. Palazzo, Division of Public Utilities and Carriers re: Notice of Public Hearings and Petition to Alter Community Antennae Television Service Areas

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from Eric A. Palazzo regarding the notice of public hearings and petition to alter community antennae television service areas. So unanimously voted.

The Council discussed the proposed change to the service area for Jamestown. At the Council's request, Jamestown has always been included in the same service area as North Kingstown in order to be involved with the high school projects. There was also discussion regarding the possibility that the proposed change would keep Jamestown in alignment with the new political districts. The proposed change has Jamestown bundled with Newport, Middletown, Portsmouth, Tiverton and Little Compton.

It was the consensus of the Council to request comment from the School Committee and continue further discussion to the October 25, 2004 Council meeting.

- 3) Memorandum of Understanding re: Fire Protection

The Town Solicitor reported that he has reviewed the Memorandum of Understanding and found it to be satisfactory.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the Memorandum of Understanding for fire protection as presented and to authorize the Town Administrator to sign on behalf of the town of Jamestown. So unanimously voted.

- 4) Town Forest
 - a) Letters from David Nickerson, Tree Warden (07/24/2002, 08/23/2004)

Councilor Long noted that although the letters from the Tree Warden indicate that the Council had received copies of these communication, this was the first time this issue was brought to the Council.

The Council addressed the immediate need to remove any hazardous trees in the area near and on school grounds as recommended by the Tree Warden. The Town Administrator stated that the area from Watson Avenue to Arnold Avenue is considered to be Town property; however, the School Committee and the Town Administration have agreed to work together to take down the trees that must immediately be removed.

Councilor DiGiando requested that the number of trees be identified so that the whole project can be assessed along with the immediate removal of any trees causing a hazardous condition.

The Town Administrator noted that the Town is in the process of going out to bid for tree removal. It is expected that there will be a small balance in the tree fund, which could be combined with funds from the school to meet the Town's immediate needs. The Town Administrator suggested that he would recommend additional funds for this project at budget time.

The Town Solicitor advised the Council that because this is an immediate threat to the safety of the community, it would not be necessary to go out to bid for the removal of those trees.

It was moved by Councilor Settiane, seconded by Councilor Long to authorize the Town Administrator to take action by whatever means necessary to address the hazardous tree issues of those deemed most urgent, along with authority to expend from the Town's contingency fund up to \$5,000.00 to that end and in addition, to work administratively with the School Department on the cost sharing of the project. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor Long, seconded by Councilor DiGiando to enter into executive session at 10:40 PM pursuant to RIGL 42-46-5 (a) (2) to discuss litigation and RIGL 42-46-5 (a) (5) to discuss land acquisition. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye.

Upon the Council's return from executive session it was moved by Councilor Long, seconded by Councilor DiGiando to seal the minutes from the public. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye.

It was moved by Councilor DiGiando, seconded by Council President Littman to authorize the Town Solicitor to proceed with negotiations as discussed in executive session. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Long to continue mediation and approve the proposal as set forth to the Council in executive session. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor DiGiando to adjourn the meeting at 11:00 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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