

**TOWN COUNCIL MEETING**  
December 13, 2004

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road, at 7:08 PM by Council President Kenneth G. Littman. The following members were present:

Julio J. DiGiando  
Guy J. Settipane

Absent: David J. Long  
Claire W. Ferguson

also present were:

Mark W. Haddad, Town Administrator  
Arlene D. Petit, Town Clerk  
J. William W. Harsch, Town Solicitor  
Thomas P. Tighe, Police Chief

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

1) Administration of Oath

- a) Mark W. Haddad, Town Administrator

Council President Littman stated that the administration of oath for the Town Administrator would be made following the Town Administrator report.

2) Administration of Oath – Police

- a) Mark E. Esposito, Probationary Officer

Council President Littman administered the oath of office to Mark E. Esposito as a Probationary Officer on the Jamestown Police Force.

- b) John B. Areson, Permanent Police Officer

- c) Derek H. Carlino, Permanent Police Officer

It was moved by Councilor DiGiando, seconded by Councilor Settipane to appoint John B. Areson as a Permanent Police Officer and to appoint Derek H. Carlino as a Permanent Police Officer. So unanimously voted. (Officers were not present)

**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.*

- 1) Copy of a letter to Phyllis Bedard, proprietor of Trattoria Simpatico, from the Jamestown Police Department re: underage alcoholic beverage sales

Chief Tighe reported that he has recently spoken to the owner of Trattoria Simpatico and with the aggressive action taken by Ms. Bedard at the restaurant, is confident that the situation is under control.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the report from the Jamestown Police Department. So unanimously voted.

## 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 DiGiando, seconded by Councilor Settupane to approve the Consent Agenda as presented. So unanimously voted.

- 1) Adoption of Council minutes:
  - a) November 3, 2004 special meeting
  - b) November 22, 2004 regular meeting
  - c) December 2, 2004 special meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Zoning Board of Review (09/28/2004)
  - b) Personnel Board (10/14/2004)
  - c) Jamestown Substance Abuse Prevention Task Force (11/3/2004)
  - d) Tax Assessment Board of Review (11/15/2004, 12/02/2004)
  - e) Library Board of Trustees (11/15/2004)
  - f) Jamestown Harbor Management Commission (11/10/2004)
  - g) Jamestown Housing Authority (11/10/2004)
  - h) Harbor Management Commission (11/10/2004)
- 4) CRMC Notices:
  - a) December 2004 Calendar amended
  - b) Tarak Wehbe, c/o Atlantis Management, 1630 Mineral Spring Ave., North Providence, RI re: construction of a residential boating facility at Plat 4 Lot 101; 566 East Shore Road
- 5) Abatements/Addenda of Taxes

## EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGI §42-46-5 (a) (2) collective bargaining Council President Littman announced that there would be an executive session later in the evening, pursuant to RIGI §42-46-5 (a) (2) collective bargaining.

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

- 1) Town Administrator Report  
The Town Administrator reviewed his report with the Council. Councilor Settupane expressed his concern regarding the change order for the pump station rehabilitation project in the amount of \$211,024.00 and inquired to the bidding process.

The Town Solicitor advised that the information regarding the change order is for informational purposes as it is a normal function of the Town Administrator to respond to this type of issue.

Councilor Settupane suggested that the change order be approved up to \$211,024.00, with the direction to the Town Administrator to use best efforts in management practices to insure that the price is the lowest price the work can be done for.

It was the consensus of the Council that the overall budget for the sewer project be put on the agenda for the next Board of Water and Sewer Commission meeting on December 20, 2004.

a) Fort Wetherill Highway Garage Update

The Council reviewed the report from Michael Gray, Deputy Public Works Director, regarding the improvements to the highway garage at Fort Wetherill.

It was the consensus of the Council to instruct Mr. Gray to work with the Town Solicitor and Town Administrator to determine which applications and permits are required in order to make immediately needed basic repairs to the existing building at Fort Wetherill and to put this on the next Council agenda for a follow-up report.

2) Department Director Reports

No action taken.

3) Jamestown Fire Department/Ambulance Association Incentive Committee

a) Report from Daniel Shapiro

Mr. Shapiro outlined the proposed incentive program (JFD incentive – draft 5, dated 12/10/2004) for the Jamestown firefighters. Mr. Shapiro informed the Council that acceptance of the proposed incentive program would replace the existing plan, which did not meet the needs of the department. Additionally, Mr. Shapiro reported that the Ambulance Association is undergoing some changes; therefore, that portion of the incentive plan addressing those volunteers will be presented at a later date. It is expected that the cost estimate for the Fire/Ambulance incentive plan would be between \$60,000.00 and \$70,000.00 on an annual basis.

It was the consensus of the Council to instruct the Town Administrator and Town Solicitor to study the incentive plan and report back to the Council at the next Council meeting.

Sunken Barge – West Ferry

Councilor DiGiando inquired into the status of the sunken barge at West Ferry. The Town Solicitor noted that a letter has been sent to the barge owner as well as the insurer to remove the barge.

Town Administrator Reception 7:45 PM to 8:00 PM

Council President Littman announced that the Council would take a fifteen-minute break to allow for an opportunity for introductions to the new Town Administrator, Mark Haddad.

Rhode Island Department of Environmental Management Office of Water Resources – Proposed changes to the “Rules and Regulations for Groundwater Quality”

The Town Administrator presented the proposed changes to the Rules and Regulations for Groundwater Quality as forwarded to the Council by the State. Mr. Haddad noted that the document was not on the agenda, but because it is time-sensitive, he wanted the Council to have a chance to review it.

It was the consensus of the Council to forward the document to the Town Planner for her review and comment.

- 4) Planning Commission
  - a) Report to Town Administrator from Chair

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the report from the Planning Commission Chair. So unanimously voted.

### **PUBLIC HEARING**

- 1) Petition for Street Abandonment: Umiak Avenue; Plat 3 Lot 97 & Plat 1 Lot 38

Council President Littman opened the hearing at 8:28 PM.

Kenneth Bond, attorney representing the Petitioners, Armand Musumeci and Lynne A. Musumeci, asked the Council to consider the petition for the abandonment of a portion of Umiak Avenue which runs northerly from the intersection of Capstan Street to the end of the petitioner's lot approximately 120 feet and borders the petitioners' property to the east.

Peter Brockmann, attorney representing the abutters, William and Jane Doyle, stated an objection to the presentation of evidence having to do with the street. Under the statute, the standard is that the street must cease being useful to the public. Mr. Brockmann's objection to the petition was marked as Objector's Exhibit "1".

Mr. Bond introduced testimony from Roger Lemieux, Civil Engineer, Northeast Engineers and Consultants, Middletown, Rhode Island. Mr. Lemieux reviewed the existing survey of the property and introduced a picture of the area as Petitioners' Exhibit "A". Mr. Lemieux stated that the 50 ft. right-of-way is used as a driveway by both abutters. Addressing an written objection by Mr. & Mrs. Doyle, Mr. Lemieux referenced a schematic drawing of the area, Petitioners Exhibit "B", and indicated that the turning radius allowed for a vehicle and boat much like the ones owned by the Doyle's meets the American Association of Highway Transportation Officials guidelines.

Mr. Bond answered the objection to the petition as presented by Mr. Brockmann, making specific comment to the twenty-five paragraphs. Mr. Bond concluded that the street has ceased to be useful to the public and in that his client has stated that an easement be granted to the Doyle's on the westerly side of the right-of-way, then, pursuant to RIGL 26-6-1 the Town Council should grant the petition for abandonment.

Mr. Brockmann, introduced testimony by Jane Doyle. Ms. Doyle stated that the right-of-way in question is used by her and her husband on a daily basis, as well as being used by delivery trucks and guests.

Nicholas Supron, Foreroyal Court, stated that his property abuts that portion of Umiak Avenue to the north and although the main access to his home is through West Reach, in the event of an emergency Umiak Avenue would afford access to his property.

Anthony Simeone, Hull Street, stated that the Council should not allow a paper street to become the exclusive use of abutters and encouraged the Council to abandon this property and return it to the tax roll.

Jill Anderson, West Reach Drive, stated that the unimproved portion of Umiak Avenue abuts two lots on the north side. In an event of an emergency in West Reach, access could be available through Umiak Avenue.

There being no further public comment, it was moved by Councilor Settipane, seconded by Councilor DiGiando to close the public portion of the hearing. So unanimously voted.

The Town Solicitor advised the Council that the statutory interpretation of the law has been read and added that in the case of a community of less than 20,000 people, if abandoned, the street cannot be sold, nor could it be converted to Town property, but would revert to the owners of the underlying/ abutting property. Mr. Harsch further stated that public use is not only actual use but also the potential for public use. Facts do show that Mr. & Mrs. Doyle use the property as well as delivery trucks and other vehicles not owned by the Doyles. The question is, does the Council consider it a significant Town asset for transportation purposes or is it in fact of no further use to the Town.

The Council discussed their concerns relating to the objections of abutters and reviewed the memorandums from Town Department Directors. It was found that the portion of Umiak Avenue maintains its usefulness to the public and, therefore, the petition was denied.

It was moved by Councilor Settipane, seconded by Councilor DiGiando that the Town Council of the Town of Jamestown deny the petition for the abandonment of that portion of Umiak Avenue and find that by the totality of circumstances, the street remains to be useful to the Town. These findings have been made in accordance and in compliance with RIGL 24-6-1 (a). So unanimously voted.

a) Advertisement (duly advertised)

It was moved by Council President Littman, seconded by Councilor Settipane to accept the advertisement and include it as an exhibit in the hearing. So unanimously voted.

b) Letters re: abandonment of Umiak Avenue

- i) Fire Chief Bryer, Jamestown Fire Department
- ii) Verizon Communications
- iii) Martha M. Vigneault
- iv) William E. Doyle and Jane P. Doyle (abutters)
- v) Public Works Director
- vi) Acting Chief of Police, Jamestown Police Department
- vii) Building Official
- viii) Town Planner

## **ORDINANCES AND RESOLUTIONS**

- 1) Resolution No. 04-037R re: an act relating to validating and ratifying amendments to the charter of the Town of Jamestown

It was moved by Councilor DiGiando, seconded by Councilor Settipane to adopt Resolution No. 04-37R and to forward it to Senator Teresa Paiva-Weed and Representative Bruce Long for introduction to the General Assembly. So unanimously voted.

Council President Littman requested that Open Forum be moved up on the agenda.

### Open Forum

- a) Scheduled to address

Representative Bruce Long gave a verbal update on legislative initiatives.

David B. Van Slyke, Esq., from the firm of Preti Flaherty, Portland Maine, introduced himself as an environmental attorney and stated that he represents the North End Concerned Citizens.

The Town Solicitor stated that he has not seen any indication that the Supreme Court of the State of Rhode Island has admitted Mr. Van Slyke to practice pro hac vice.

Mr. Van Slyke stated that the motion is being filed by Attorney Teitz and it is expected to be heard on January 4, 2004.

With the petition not yet being granted, it was the opinion of the Town Solicitor that the Council could hear Mr. Van Slyke's comments, subject to the satisfaction of the pro hac vice requirements.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to allow Mr. Van Slyke to speak in open forum on behalf of the North End Citizens, subject to submission of the order allowing him to practice law in the State of Rhode Island, that order being a pro hac vice motion granted by our Supreme Court. So unanimously voted.

Mr. Van Slyke addressed the Council on behalf of his clients citing the unsuitability of the use of the former landfill and adjacent lot #47 for the location of a highway barn. Mr. Van Slyke stated that GZA Environmental reports indicate that there is leaching of toxic substances at the former landfill. Mr. Van Slyke informed the Council that John Williams, ARCADIS Environmental Consulting Firm has also been retained to address the unsuitability of the former landfill and lot #47 for a highway facility. Mr. Van Slyke addressed concerns such as; ground water being the only source of water at the North End of the island, flow direction of water in the bedrock is complex and it is difficult to predict where pollutants may migrate and the landfill has never been properly closed.

John Williams, ARCADIS, addressed his concerns and encouraged the Council to conduct a risk assessment at the former landfill and lot #47 site prior to making any determinations.

b) Non-scheduled to address

Steven Moreau, P & M Marine Service, stated that he was upset and concerned by an article in the Jamestown paper stating that his lease at Fort Getty was discussed at a recent meeting of the Fort Getty Committee and the Harbor Management Commission. Mr. Moreau further stated that the loss of his lease at Fort Getty would significantly impact his business.

Council President Littman noted that the Fort Getty Committee has not made any recommendations to the Council at this time. It was the consensus of the Council to refer this matter to the Town Administrator for further follow-up.

William Murphy, Hamilton Avenue, asked when the Council would be addressing the recommendations made to the Council by the Ambulance Association Compensation Committee. Additionally, Mr. Murphy inquired why this was previously discussed in executive session and encouraged the Council to bring this back to open session.

Councilor Settipane noted that there were some issues concerning contract as well as compensation and what that might do to the employee status.

Council President Littman stated that it is expected that Chief Tighe will be making a report to the Council in the near future.

Daniel Lilly, Seaside Avenue, stated that to his knowledge there have been no further problems with the EMS and inquired if and when they would be compensated.

Michael Larkin, Narragansett Avenue, requested that the Council find that Dutch Island is not a suitable site for National Guard training and encourage DEM to open the island to the public use.

Helen O'Grady, Schooner Avenue, supported Mr. Larkin's suggestion.

Patricia Hulme, no address given, supported Mr. Larkin's suggestion.

Daniel Lilly, Seaside Avenue, stated that he believes that Dutch Island is an appropriate site for National Guard training.

Walter Boll, Clinton Avenue, encouraged the Council to allow National Guard training at Dutch Island.

Dennis Webster, Mt. Hope Avenue, stated that the National Guard need and adequate place to train and requested that the Council allow training at Dutch Island.

Carol Nelson Lee, Buoy Street, asked if she could speak when the Council discusses the highway facility.

### Unfinished Business

#### 3) Public Works Highway Facility

Councilor DiGiando addressed specific questions and concerns regarding the construction of a highway facility. Those questions and concerns were outlined in a report from Councilor DiGiando entitled “Highway Barn Information/Issues”.

Gerard Barrett, Seaside Drive, offered to meet with the Town Administrator to assist in reviewing the process that has taken place.

Councilor DiGiando clarified that it was not his intention to send this to a committee, but to relook at the information already provided and move forward with a decision.

Carol Nelson-Lee offered information regarding the creation and maintenance of brownfields.

Raymond Iannetta, North Main Road, agreed that another committee is not needed; however, Mr. Iannetta asked that the Council have a risk analysis and risk assessment of the north end site.

It was the consensus of the Council to allow the new Town Administrator time to review the material concerning the construction of a new highway facility and return the issue to the Council agenda when the review is completed.

### **COMMUNICATIONS AND PETITIONS**

#### 1) Letter from J.R. Dolan re: Dutch Island training area

It was moved by Councilor DiGiando, seconded by Councilor Settiane to accept the letter from J. R. Dolan. So unanimously voted.

#### 2) Letter from Linda Warner re: Beavertail Lighthouse

It was moved by Councilor Settiane, seconded by Councilor DiGiando to accept the letter from Linda Warner. So unanimously voted.

#### 3) Letter from Thomas S. Keller re: Dutch Island training site

It was moved by Councilor DiGiando, seconded by Councilor Settiane to accept the letter from Thomas S. Keller. So unanimously voted.

#### 4) Letter from Terrence M. Hassett, Senior Investigator for the Department of Labor & Training re: workers' compensation insurance

It was moved by Councilor Settiane, seconded by Councilor DiGiando to accept the letter from the Senior Investigator for the Department of Labor & Training. So unanimously voted.

#### 5) Copy of a letter from RI DEM to Elyse R. LaForest, Federal Lands to Parks re: limited deer hunt at Beavertail Park

It was moved by Councilor DiGiando, seconded by Councilor Settupane to accept the copy of a letter from RIDEM regarding the limited deer hunt at Beavertail Park. So unanimously voted.

6) Letter from Don Richardson re: Jamestown Ambulance Association  
It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the letter from Donald Richardson and to refer the letter to Chief Tighe. So unanimously voted.

7) Letter from William Kelly re: High Groundwater Table Ordinance  
It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the communication from William Kelly. So unanimously voted.

8) Copy of letter from RIDEM to the Town Administrator re: 30% Landfill Closure Design Submittal, Former Jamestown Landfill  
It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the letter to the Town Administrator regarding the 30% landfill closure design. 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 Application from the Jamestown Chamber of Commerce dba: Annual Dog Parade to have a parade starting at the Fire Station on Narragansett Avenue to East Ferry on December 18<sup>th</sup> at 10:30 a.m.  
It was moved by Councilor DiGiando, seconded by Councilor Settupane to approve the event application from the Jamestown Chamber of Commerce for the Annual Dog Parade on December 18, 2004 at 10:30 AM. So unanimously voted.

2) Event application from Maureen Dunn Packer dba: 4<sup>th</sup> Annual Ali Dunn Packer Memorial Road Race to have a road race on Sunday, June 5, 2005 at Fort Getty from 10 a.m. to 4 p.m.  
It was moved by Councilor DiGiando, seconded by Councilor Settupane to approve the event application for the 4<sup>th</sup> Annual Ali Dunn Packer Memorial Road Race for Sunday, June 5, 2005 at Fort Getty from 10:00 AM to 4:00 PM. So unanimously voted.

#### **OPEN FORUM**

- 1) Scheduled request to address
  - a) Representative Bruce Long: Legislative update
  - b) Sigmund D. Schultz request to address on behalf of clients, the North End Concerned Citizens
    - David B. Van Slyke, Esq. and/or
    - Andrew M. Teitz, Esq., and/or
    - John Williams, ARCADIS Environmental Consulting Firm

Previously discussed.

- 2) Non-scheduled request to address

Previously discussed.

### **APPOINTMENTS AND RESIGNATIONS**

- 1) Town Administrator Search Committee
  - a) Request to disband committee

It was moved by Councilor DiGiando, seconded by Councilor Settupane to disband the Town Administrator Search Committee with appreciation to the members. So unanimously voted.

- 2) Zoning Board of Review
  - a) 2004 Attendance Record

It was moved by Councilor DiGiando, seconded by Councilor Settupane to accept the attendance record from the Zoning Board of Review. So unanimously voted.

- b) Letter from Chair re: recommendations for reappointment
- c) Three (3) vacancies exist, all three are for alternate members, terms ending 12/31/2005. Duly advertised and interviews complete; if favorable appoint:
  - i) Seeking reappointment:
    - David P. Nardolillo (alternate #1)
    - Elizabeth Brazil (alternate #2)
    - Dean Wagner (alternate #3)
  - ii) Letter of interest:
    - David Reardon

It was moved by Councilor DiGiando, seconded by Councilor Settupane to reappoint David P. Nardolillo (alternate #1), to reappoint Elizabeth Brazil (alternate #2), and to reappoint Dean Wagner (alternate #3) – term ending dates 12/31/2005. So unanimously voted.

- 3) Jamestown Housing Authority
  - a) Letter from Chair re: recommendation for reappointment
  - b) One (1) vacancy exists, term ending 12/31/2009. Duly advertised and interviews complete; if favorable appoint:
    - i) Seeking reappointment:
      - Valerie Topp
    - ii) Letter of interest:
      - Keri Reardon

It was moved by Councilor DiGiando, seconded by Councilor Settupane to reappoint Valerie Topp to the Jamestown Housing authority, term ending 12/31/2009. So unanimously voted.

### **UNFINISHED BUSINESS**

- 1) Ambulance Association & Fire/Rescue Services (cont. from 11/22/2004)
  - a) Report from James R. Filkins re: Progress Report Implementation Time Line

Mr. Filkins noted that there was a correction to be made in the report and requested that on page 4 the Jamestown Compensation Committee be changed to the Jamestown Incentive Committee. Mr. Filkins stated that the Report has been reviewed by the Emergency Medical Responders of the Jamestown Ambulance Association and the Jamestown Fire Department.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the Progress Report and to refer the report to Chief Tighe to address and review. So unanimously voted.

- 2) RI National Guard request for permission to use Dutch Island as a training site (cont. from 11/22/2004)

In discussing the request for permission to use Dutch Island as a training site, the Council identified several issues needing additional information or resolution.

- Level of noise created by the Black Hawk helicopters while conducting training missions
- Safety of boaters in the surrounding area
- Public access to Dutch Island and the Council's desire to open Dutch Island to the public
- Condition and safety of opening Dutch Island to the public
- Seasonal and time restrictions for training

Councilor DiGiando suggested having the National Guard conduct a test training mission to allow the Council and residents an opportunity to monitor the noise level and disturbance.

Councilor Settupane indicated that Dutch Island was not the only open water access site available to the National Guard and suggested that they might consider Gould Island or Patience Island.

It was the consensus of the Council to instruct the Town Administrator to gather additional information from RIDEM and the Rhode Island National Guard so the issue can be reexamined at the next Town Council meeting and to request information from RIDEM as to when Dutch Island will be opened to the public for recreational activity.

- 3) Public Works Highway Facility (cont. from 11/22/2004)  
Previously discussed.

- 4) Fort Wetherill Highway Garage (cont. from 11/22/2004)  
Previously discussed.

- 5) Adoption of Rules & Regulations for the Jamestown Police Department; if favorable approve per Town Charter (cont. from 11/08/2004, 11/22/2004)
  - a) Reviewed and amended by Town Solicitor

The Town Solicitor reported that the Rules and Regulations for the Jamestown Police Department have been reviewed and amended as indicated on the document presented and are in order for consideration by the Council.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to adopt the Rules and Regulations for the Jamestown Police Department as provided in the Jamestown Town Charter. So unanimously voted.

### **NEW BUSINESS**

- 1) Sewage Pump Station Rehab Project
  - a) Change order, approve and authorize Town Administrator to sign

Previously addressed.

- 2) Tax Exemptions (per Council President Littman)
  - a) List of 2004 Tax Exemptions from the Tax Assessor

President Littman noted that he would like to see the tax exemptions reviewed prior to any budget discussions. It was the consensus that the tax exemptions would be continued to the next Town Council meeting.

- 3) Award Bids:
  - a) WH Rose, Inc. for a sand spreader for an amount not to exceed \$7,996.00

It was moved by Councilor Settupane, seconded by Councilor DiGiando to award the bid to WH Rose, Inc. for a sand spreader for an amount not to exceed \$7,996.00. So unanimously voted.

- b) Southworth-Milton Cat for a generator in an amount not to exceed \$27,450.00

It was moved by Councilor Settupane, seconded by Councilor DiGiando to award the bid to Southworth-Milton Cat for a generator in an amount not to exceed \$27,450.00. So unanimously voted.

- 4) Letter from attorney Peter M. Iascone re: Olga McMaster injury claim

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the letter from Attorney Peter M. Iascone regarding an injury claim, deny the claim and to refer it to the Town Solicitor for appropriate action. So unanimously voted.

### **EXECUTIVE SESSION**

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

It was moved by Councilor Settupane, seconded by Councilor DiGiando to enter into executive session at 11:20 PM pursuant to RIGL 42-46-5 (a) (2) to discuss collective bargaining. It was voted, Councilor DiGiando, aye; Councilor Settupane, aye; Council President Littman, aye.

Upon the Council's return from executive session, it was moved by Councilor Settupane, seconded by Councilor DiGiando seal the minutes of the executive session from the

public. It was voted, Councilor DiGiando, aye; Councilor Settipane, aye; Council President Littman, aye.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to instruct the Town Administrator to meet with the contractor to negotiate a reasonable price adjustment as discussed in executive session. So unanimously voted.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to pass on holding the regular Council meeting on December 27, 2004 and to direct the Town Clerk to publish notice of such. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Settipane, seconded by Councilor DiGiando to adjourn the meeting at 11:25 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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