

TOWN COUNCIL MEETING

January 10, 2005

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 Kenneth G. Littman. The following members were present:

David J. Long, Vice President
Claire M. Ferguson
Julio J. DiGiando
Guy J. Settipane

also present were:

Mark W. Haddad, Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Christina D. Collins, Finance Director
Maria Laferriere Assistant Finance Director

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Aquidneck Island Planning Commission re: Municipal Training Series

Tina Dolen, Executive Director of Aquidneck Island Planning Commission, informed the Council that the Commission will be offering informative workshops designed to provide tools and ideas to enhance the communities of Newport County. These workshops will be open to City and Town Councils as well as specific boards and commissions and can be designed by a community to meet their individual needs. Ms. Dolen invited the Council to attend the kickoff workshop on January 13, 2005.

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 requested that item #3(c) be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor Ferguson to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of:

- 1) Adoption of Council minutes:
 - a) 12/13/2004 Regular meeting
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:

- a) Tree Preservation and Protection Committee (11/16/2004)
 - b) Jamestown Substance Abuse Prevention Task Force (12/07/2004)
 - c)
 - d) Tax Assessment Board of Review (12/07/2004, 12/21/2004)
 - e) Library Board of Trustees (12/07/2004)
 - 4) CRMC Notices:
 - a) January 2005 Calendar
 - b) Notice to Jean L. Nadeau, 53 Saddle Ridge Rd., Glastonbury, CT re: construction of a residential boating facility at Plat 3 Lot 502; 460 West Reach Drive
 - 5) DEM Notices:
 - a) Letter re: change to the Rules & Regulations for Groundwater Quality
 - 6) Statewide Planning Council re: amendment to the Transportation Improvement Program (TIP)
 - 7) Zoning Board of Review abutter notification
 - a) Lino Corredora (Beatrice Burns, owner) whose property is located between Hull and Stern Streets, and further identified as Tax Assessor's Plat 14, Lot 80 for a use variance as required by the Jamestown Ordinance 82-314C.2. (High ground water table and impervious overlay district) to allow the installation of a new ISDS in order to construct a single family house on the site as approved under development plan review by the Jamestown Planning Commission. This property is located in the R40 zone and contains 14,400 sq. ft.
 - 8) Abatements/Addenda of Taxes
- *****
- 3) Minutes from Boards, Commissions and Committees:
 - c) Conservation Commission (11/9/2004)

Council President Littman expressed his concern that the November 9 minutes of the Conservation Commission were too brief to meet the requirements of the Open Meetings Act. The Town Solicitor stated that although brief and in summary format they are probably sufficient to meet the requirements.

It was the consensus of the Council that the minutes be returned to the Conservation Commission with the request that additional information be provided and returned to the Council for review.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (2) Litigation

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

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

- 1) Town Administrator report (as attached)
(The following action items are referenced in the Town Administrator's report)

- a) Resolution from the Town of Barrington opposing the LNG facility in Providence

The Town Administrator informed the Council that he would forward a copy of the resolution passed by the Jamestown Town Council opposing the LNG facility in Providence to the Town of Barrington.

- b) Fort Wetherill highway barn update and request to expend funds

The Town Administrator reported that the Town has forwarded a maintenance application to the State for approval to make repairs to the building at Fort Wetherill. Costs for the maintenance were estimated at \$40,000.00 for the roof repair and \$54,000.00 to \$75,000.00 for replacement windows. The Deputy Public Works Director is waiting for quotes on the cost to correct the heating system. It was noted that a 1999 quote to repair the roof, doors, windows and heating system was in the amount of \$128,000.00. The Town Administrator informed the Council that there is \$5,000.00 in the budget for a reuse study for the building and suggested contracting with an architect to begin that process. In addition it was noted that there is \$10,000.00 in the present budget for a Town buildings analysis. Mr. Haddad stated that he would like to begin the building analysis to determine and plan for what must be done to maintain the library, police station and the recreation center.

Councilor Settupane stressed that basic improvements, such as replacing broken window panes, must be made immediately to improve the working environment at the building and encouraged the Town Administrator to find the funding in the present budget to make those repairs.

- e) Report on public / private Streets as requested by Town Council

The Town Administrator reviewed the summary presented by the Deputy Public Works Director regarding the status of streets in the Town of Jamestown and suggested that this issue be put on the Council agenda at a later date.

- f) Contract addendum re: recyclables collection contract as authorized by the Town Council

The Town Administrator reported that the recyclables collection contract has been amended as directed by the Council. In an attempt to move things along smoothly and efficiently, Mr. Haddad requested guidance from the Council as to how he should proceed in executing future requests of the Council.

Council President Littman stated that it would be a Council consensus on a case by case basis as to when and if an item must be returned to the Council prior to execution.

Jamestown Fire Department Incentive Plan

The Finance Director and the Assistant Finance Director presented a cost analysis on the Jamestown Fire Department Incentive Plan. The following charts were used to outline the estimated cost of the plan:

ESTIMATED ANNUAL COST				
Truck	Number of Runs (B)	Potential Volunteers per Truck (C)	Volunteers per Truck per Run (B x C)	Approximate Cost (assuming 21.72 pts. per volunteer)
Ladder	77	6	462	
Engine 1	113	6	678	
Engine 2	114	6	684	
Engine 3	136	6	816	
Total Cost				\$57,341

COST COMPARISON				
Description	Assumption Used	FY 2004/2005 Costs	Worst Case	Expected Case
Overhead (point administrator not included)	Current budget + 5% inflationary increase	\$164,300	\$173,000	\$173,000
Capital Expenditures	Based on historical	\$80,000	\$82,000	\$82,000
Annual Incentive	\$750 annually/ 18 members		\$185,000 (based on 438 runs)	\$57,341
Total		\$259,900	\$453,500	\$325,841
Increase to Tax Rate			\$.12	\$0.04

The Town Solicitor reviewed his memorandum dated January 5, 2005 regarding the Volunteer Fire Department Benefits Incentive Program. Mr. Harsch cautioned the Council that when considering the proposed incentive plan for the Fire Department the Fair Labor Standards Act (FLSA) and other relevant legal standards need to be closely followed in order to ensure that the members retain their volunteer status, and that there is a risk involved as incentive arrangements are increased.

The Council discussed the possibility of other methods of providing incentives being available. Concern continued to be raised on membership being considered Town employees rather than retaining their volunteer status.

The Town Administrator stated that there are areas of the Plan that the Town Solicitor would be reviewing, but for budgeting purposes, requested that at this time the Council approve the Plan in concept only.

It was moved by Councilor Settipane, seconded by Councilor Long to approve the concept of the Jamestown Fire Department Incentive Plan, subject to final review during the budget period and prior to implementation of the program as presented to the Council this evening. So unanimously voted.

- 2) Memorandum from the Town Clerk requesting the establishment of a retention schedule for Town Council tapes

Following Council discussion, it was moved by Councilor Settipane, seconded by Councilor Long to approve a Town Council tape retention schedule whereby the Town Clerk will retain tapes for five years or seven years if there is potential litigation contained on a specific tape. So unanimously voted.

- 3) Notice of meeting from Quonset Development Corporation Board of Directors scheduled for January 10, 2005 at 5:00 PM (first notification)

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the notice of meeting from the Quonset Development Corporation Board. So unanimously voted.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Notice of Claim from John K. Dunn, Esq. re: David & Paul Boghossian

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the notice of claim regarding David and Paul Boghossian.

It was moved by Councilor Settipane, seconded by Councilor Long to amend the motion to accept the notice and deny the claim and to forward said claim to the Town Solicitor. The amended motion was so unanimously voted. The main motion as amended was so unanimously voted.

- 2) Letter from Linda DiMauro, Humane Society, re: status of deer survey

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letter from Linda DiMauro. So unanimously voted.

- 3) Letter from Rep. Bruce Long re: LNG Facilities

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the letter from Representative Bruce Long. So unanimously voted.

- 4) Letter from William H. Lester, Jr. re: National Guard

It was moved by Councilor Settupane, seconded by Councilor DiGiando to accept the letter from William H. Lester, Jr. and to refer the letter to the Town Administrator. 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) Sunday Sales application of David Clancy dba: Clancy Designs located 382 North Road from 10:00 am to 5:00 pm

The Town Solicitor requested that the Council continue the Sunday Sales application of David Clancy to the next Council meeting in order to give him a chance to review the application

It was moved by Councilor Settupane, seconded by Councilor Long to continue the application from David Clancy for a Sunday Sales license to the Council meeting on January 24, 2005, with applicant being given notice of any concerns prior to that meeting. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Rep. Bruce Long re: Legislative Update

Representative Long was unable to attend.

- 2) Non-scheduled request to address

Robert Dolan, Coronado Street, suggested retaining two years of Council tapes at the Town Hall with the remaining tapes to be sent to the Library.

Sav Rebecchi, Sail Street, asked for the status of properties funded at the 2004 Financial Town Meeting. The Town Administrator stated that appraisals have been completed and will be forwarded to the State for their consideration.

APPOINTMENTS AND RESIGNATIONS

- 1) Tree Preservation and Protection Committee
 - a) Letter from Elizabeth Allen re: resignation

It was moved by Councilor Settupane, seconded by Councilor Long to accept with regrets the resignation from Elizabeth Allen. So unanimously voted.

- b) 2004 Attendance Record

It was moved by Councilor Settupane, seconded by Councilor Long to accept the 2004 attendance record for the Tree Preservation and Protection Committee. So unanimously voted.

- c) One (1) vacancy exists, term ending 12/31/2007; duly advertised and interviews complete, if favorable appoint:
 - i) Letter of interest:
 - Frank Andres

It was moved by Councilor DiGiando, seconded by Councilor Settupane to appoint Frank Andres to the Tree Preservation and Protection Committee with a term ending 12/31/2007. So unanimously voted.

- 2) Library Board of Trustees
 - a) Letter from John B. Parson re: resignation

It was moved by Councilor Settupane, seconded by Councilor Long to accept with regrets the resignation from John B. Parson. So unanimously voted.

- b) Two (2) vacancies exist, terms ending 12/31/2007 and 12/31/2008; duly advertised and interviews complete, if favorable appoint:
 - i) Letters of reappointment:
 - Nancy Logan with letter of recommendation from Lisa Tyre
 - ii) Letters of interest:
 - Gail Noble Glanville

It was moved by Councilor DiGiando, seconded by Councilor Long to appoint Nancy Logan to the Library Board of Trustees for a term ending 12/31/2007 (12/31/2008 – typographical error, should have been 2006 – all records corrected) and to appoint Gail Noble Glanville for a term ending 12/31/2006. So unanimously voted.

XIV. UNFINISHED BUSINESS

- 1) Fire Fighter Incentive Program (cont. from 12/13/2004)
 - a) Report from Town Administrator and Town Solicitor
 - b) Recommendation of adoption from Town Administrator

Previously discussed.

- 2) Tax Exemptions (cont. from 12/13/2004)

Council President Littman stated that he would like to look at the elderly tax exemption and have the Council consider a fixed rate valuation as a way to lessen the burden on the elderly taxpayer. Councilor Settupane requested that the Council also consider reviewing the exemptions for veterans.

The Town Administrator offered to conduct a survey of exemptions from other cities and towns for the Council to review in their considerations.

It was the consensus of the Council that the Town Administrator provide a survey of the types of exemptions offered by other Rhode Island cities and towns and to report back to the Council on January 24, 2005.

- 3) Fort Wetherill Highway Barn (cont. from 12/13/2004)
 - a) Report from Deputy Public Works Director/Town Engineer re: immediate repairs and required permits

Previously discussed.

NEW BUSINESS

- 1) Petition from Verizon Communications & the Narragansett Electric Co. to relocate one joint pole (P. 1) on Avenue B

It was moved by Councilor Settiane, seconded by Councilor Ferguson to approve the petition from Verizon Communications and the Narragansett Electric Company to relocate one joint pole (P.1) on Avenue B, subject to the review of the Deputy Public Works Director and the Town Administrator. So unanimously voted.

- 2) Jamestown Fire Department request for award of bid for an air compressor to Fire Tech & Safety in an amount not to exceed \$39,989.00 (low bidder)

It was moved by Councilor Settiane, seconded by Councilor DiGiando to award the bid for an air compressor to Fire Tech & Safety in an amount not to exceed \$39,989.00. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor Settiane, seconded by Councilor Ferguson to enter into executive session at 8:50 PM pursuant to RIGL 42-46-5 (a) (2) litigation. It was voted, Councilor Ferguson, aye; Councilor DiGiando, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye. The motion passed with five in favor.

The Council returned from executive session at 9:15 PM. It was moved by Councilor Long, seconded by Councilor DiGiando to seal the minutes of the executive session from the public. It was voted, Councilor Ferguson, aye; Councilor DiGiando, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye. The motion passed with five in favor.

It was moved by Councilor Littman, seconded by Councilor Long to direct the Town Solicitor to participate in the mediation in the pending litigation which may involve the Town and to report back to the Council with the progress and results of the mediation. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor Ferguson to adjourn the Council meeting at 9:16 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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