

**TOWN COUNCIL MEETING**  
**March 14, 2005**

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:04 PM by Council President Kenneth G. Littman. The following members were present:

Julio J. DiGiando

David J. Long, Vice President

Guy J. Settipane arrived at 7:12 PM

absent: 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**

None

**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 items #1 and #3 (a) be removed from the Consent Agenda. It was moved by Councilor Long, seconded by Councilor DiGiando that the Consent Agenda be approved as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a)
  - b) Jamestown Substance Abuse Prevention Task Force (02/02/2005, 03/02/2005)
  - c) Planning Commission (02/16/2005)
  - d) Library Board of Trustees (02/01/2005)
- 4) CRMC Notices:
  - a) March 2005 Calendar

- 5) Proclamations & Resolutions from Rhode Island cities and towns:
  - a) Town of Hopkinton re: Senate Bill 2005S-0064 related to education
  - b) City of Providence with copy of resolution from the Town of Smithfield re: health insurance costs
- 6) Notice from RI Department of Administration, State Planning Council
  - a) Notice re: Recertification of the Metropolitan Planning Organization by the Federal Highway Administration and Federal Transit Administration
  - b) Notice re: Amendment to the Transportation Improvement Program
- 7) Abatements/Addenda of Taxes

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- 1) Adoption of Council minutes:

- a) 02/28/2005 Regular meeting

Council President Littman explained that there were only two Council members that could vote on the approval of the minutes and asked that they be held for consideration of approval until Councilor Settiane arrived.

- 3) Minutes from Boards, Commissions and Committees:

- a) Affordable Housing Committee (11/08/2004)

Councilor DiGiando mentioned that the Affordable Housing Committee has been discussing the lease for the Beavertail Lighthouse and their concern that it stay in the affordable housing stock. Councilor DiGiando suggested that the Town Administrator provide the Council with information regarding the present lease for the Beavertail Lighthouse.

It was moved by Councilor DiGiando, seconded by Councilor Long to accept the Affordable Housing minutes. So unanimously voted.

### **EXECUTIVE SESSION ANNOUNCEMENT**

Council President Littman announced that there would be an executive session this evening, pursuant to RIGL 42-46-5 (a) (5) to discuss lease negotiations and RIGL 42-46-5 (a) (2) to discuss litigation. Council President Littman stated that the Council would leave the Council chambers upon the arrival of Councilor Settiane to meet in executive session to discuss lease negotiations.

- 1) Pursuant to RIGL 42-46-5 (a) (5) (real estate) re: lease negotiations
- 2) Pursuant to RIGL 42-46-5 (a) (2) litigation

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

- 1) Town Administrator report - *the following action items are referenced in the Town Administrator's report:*

1. (a) Contract Bidding (held discussion for Councilor Settipane's arrival)
- (b) Columbia Avenue re: request to purchase a portion of abutting property owned by William Straser – as presented by John Murphy

The Town Administrator reported that Mr. John Murphy, on the behalf of his client, William Straser, has informed him that they will not proceed with their request to purchase a portion of Town owned property abutting Mr. Straser's lot.

- i) Recommendation by Town Administrator and Town Solicitor for denial of sale

Councilor Long inquired as to the status of Mr. Staser's access to his property. The Town Solicitor informed the Council that the private easements of Mr. Straser are not affected by the abandonment of public rights and continue to exist for the benefit of the owners. This notion of property exists because of the fact that as the abutters they have enjoyed the publicly granted means of ingress and egress to and from their property and can thus expect to retain such right-of-way. Mr. Harsch also stated that this right is grandfathered and remains with the property.

It was moved by Councilor DiGiando seconded by Councilor Long to deny the request by William Straser to purchase the abutting portion of Town-owned property known as Columbia Avenue. So unanimously voted.

- (c) Fort Wetherill Facility re: bid for repairs
- i) Request to postpone the awarding of bid

Councilor Settipane arrived at 7:12 PM.

The Town Administrator informed the Council that the low bid for the maintenance work for the Fort Wetherill facility was \$157,091.00. Because this is significantly over the available funds, the Town Administrator recommended postponing the bid award until the completion of the re-use report from William D. Warner Architects.

Councilor Settipane asked if the Town Administrator has given any thought to combining this work with other projects and consider bonding for the funds needed. The Town Administrator noted that he would put a proposal together for the Council within the next two months.

No further action taken.

- (e) Conservation Easement on Donated Properties
- i) Recommendation to give three lots to the Conanicut Island Land Trust with conservation easements granted to the Town

The Town Solicitor stated that giving the lots to the Conanicut Island Land Trust with conservation easements granted to the Town would insure that the properties will remain as the grantors intended. The Land Trust is designed to hold properties in open space.

It was the consensus of the Council that the Town Administrator provide the deeds and any documentation regarding the donating of these properties to the Town of Jamestown to the Council at the March 28, 2005 meeting.

#### EXECUTIVE SESSION (Phase I)

It was moved by Councilor Long, seconded by Councilor DiGiando to enter into executive session at 7:27 PM, pursuant to RIGL 42-46-5 (a) (5) (real estate) to discuss lease negotiations. It was voted, Councilor DiGiando, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion to enter into executive session passed with four in favor.

The Council returned to regular session at 7:40 PM. It was moved by Councilor DiGiando, seconded by Councilor Long to seal the minutes from the public. It was voted, Councilor DiGiando, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion to seal the minutes passed with four in favor.

#### 1) Adoption of Council minutes:

##### a) 02/28/2005 Regular meeting

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the Council minutes of 02/28/2005. It was voted Councilor DiGiando, aye; Councilor Settipane, aye; Council President Littman, aye and Councilor Long abstained because he was not present for the February 28 Council meeting. The motion passed with three in favor and one abstention.

It was the consensus of the Council to advance new business on the agenda.

#### New Business

##### 1) Conanicut Marine Services Lease for Council consideration

The Town Administrator reviewed the terms of the Conanicut Marine Services Lease.

- o The lease would be extended for one (1) ten-year term, expiring on June 6, 2015
- o The rent will be \$30,000.00 for the first year of the renewal and shall increase by \$1,000 each year
- o all other terms and conditions of the current lease shall remain the same

The Town Administrator informed the Council that Mr. Munger would no longer provide room for the fire boat or the harbormaster's boat at no cost but would charge \$2,600.00.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to approve the renewal of the lease for Conanicut Marine Services, Inc. with regards to the terms as discussed in executive session which represented a compromise sum of \$30,000.00 with annual increases of \$1,000.00 for the ten-year period which also includes the compliance of improvements that may be outstanding with regards to the prior lease and that the lease is subject to the negotiated charges for the Town, which are to be no more than one-half the standard rate for the fire boat and harbormaster's boat. So unanimously voted.

#### Return to Town Administrator's Report

##### 1. (a) Contract Bidding

The Town Administrator reviewed several documents attached to his report; namely, Rhode Island General Law 45-55 which deals with procurement; a letter from Town Solicitor Larry Parks providing the interpretation and a review by Attorney Patrick Quinlan relating to the issue of qualification based selection.

The Town Administrator suggested that if the Council deems it necessary, they could adopt a policy that restates the Rhode Island Law, along with naming the Town Administrator as Purchasing Agent for the Town of Jamestown.

Councilor Settupane presented two ordinances from other communities dealing with this issue and suggested that the Council adopt a similar ordinance as a safeguard measure. Councilor Settupane indicated that most of the Rhode Island communities have such an ordinance and strongly suggested that Jamestown adopt one as well.

The Town Solicitor stated that the provisions in the ordinances presented by Councilor Settupane are outdated and have not been updated to reflect the 1998 passage of legislation changing the process to qualification based selection for the procurement of architecture and engineering services.

There was continuing discussion on the need for an ordinance versus a policy, as well as the adherence to State law.

The Town Solicitor offered to have additional information available for the Council at the next meeting of the Board of Water and Sewer Commissioners on March 21, 2005.

2. Emergency Management Director
  - i) Request for ratification of appointment of Chief Thomas Tighe as Interim Emergency Management Director

The Town Administrator informed the Council that there is a provision in the Charter that prohibits an employee from holding two paid positions; therefore, he was requesting that the Council ratify the appointment of Chief Tighe as the interim Emergency Management Director without compensation for a term of six months, followed by a review and a report to the Council.

It was moved by Councilor DiGiando, seconded by Councilor Long to approve of the appointment of Chief Thomas P. Tighe as interim Emergency Management Director. So unanimously voted.

The Town Administrator informed the Council that Town Solicitor Carolyn Mannis will be available for the March 28, 2005 Council meeting to discuss the proposed Noise Ordinance.

## **PUBLIC HEARING**

None

## ORDINANCES AND RESOLUTIONS

- 1) Proposed resolution in support of the Open Meetings Law for the General Assembly Rules (*per Councilor Settipane*)

Councilor Settipane discussed the changes to the Rules of the House of Representatives, in particular the lack of the House of Representatives to include the Open Meetings Law as part of their rules. Councilor Settipane invited Representative Long to further define the rules and his objections to several sections. Representative Long encouraged the Council to support a resolution opposing the sections as outlined, which creates the possibility of government being operated by a sublimatory, without notice and by the direction of the Speaker .

Councilor Settipane requested the Council's support for a proposed resolution in support of the Open Meetings law and requested that it be forwarded to the Rhode Island Legislature, Speaker of the House and President of the Senate, Governor, Lt. Governor, Secretary of State, Mayors and Town Councils.

Although not in favor of any rules and regulations that might not follow the Open Meetings law, there was some concern raised by Council members regarding the appropriateness of the Council taking any action on the Rules of the House, and if so, what action should be taken by the Council.

It was the consensus of the Council that this be continued to the March 28, 2005 Council meeting for further discussion.

## COMMUNICATIONS AND PETITIONS

- 1) Letter from Bill Sheehan re: Ft. Getty and rights-of way

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from Bill Sheehan. So unanimously voted.

- 2) Copy of a letter to the Town Administrator from Marlene B. Murphy re: Ambulance Association budget

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Marlene B. Murphy.

The Council discussed the possibility that inadequate funding could bring about public safety issues.

The Town Administrator stated that he would be discussing this with the commander of the Ambulance Association.

- 3) Copy of letter to Martin D. Wencek from Scott & Judy Green re: Plat 16 Lot 12; David Thurston property on Seaside Drive

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from Scott and Judy Green. So unanimously voted.

- 4) Copy of letter from the North Kingstown Council President to Colonel Kenneth T. Gareau re: Dutch Island training site

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the communication from the North Kingstown Council President. So unanimously voted.

- 5) Letter from Representative Bruce Long re: request for support of House Bill #5030 prohibiting cities & towns from preventing their employees from volunteering as firefighters in their home communities

Representative Long requested support for House Bill #5030.

The Council discussed the possibility of passing a resolution; however, asked the Town Administrator to provide information from the League of Cities and Towns on their position.

It was the consensus of the Council to place this on the Council agenda for March 28, 2005.

### **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 License - Renewal:
  - a) Cynthia L. Wolfe dba: Stonecraft Sterling

It was moved by Councilor Settipane, seconded by Councilor Long to approve the renewal of the Sunday Sales license for Cynthia L. Wolfe dba: Stonecraft Sterling. So unanimously voted.

- b) Jean Page, Inc. dba: Page's Liquors

It was moved by Councilor DiGiando, seconded by Councilor Long to approve the renewal of the Sunday Sales license for Jean Page, Inc. dba: Page's Liquors. So unanimously voted.

- 2) Trash Collector-- Renewal
  - a) Waste Management of RI, Inc. dba: Waste Management of RI, Inc.

It was moved by Councilor DiGiando, seconded by Councilor Long to approve the renewal of the Trash Collector license for Waste Management of RI, Inc. dba: Waste Management of RI, Inc. So unanimously voted.

### **OPEN FORUM**

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

Representative Long provided the Council with a legislative update.

- 2) Non-scheduled request to address

Norma Willis, North Main Road, stated that the change of rules in the House were outrageous.

Jill Anderson, West Passage Drive, mentioned that some individuals would like to comment on items prior to a Council vote and because open forum is towards the end of the agenda, this is not possible. Additionally, Ms. Anderson requested that the Council minutes be updated on the Town website.

Kathy Kaiser, Conanicus Avenue, stated that the School Committee will share the concerns regarding the General Assembly rules and regulations and suggested that the Council act jointly with the School Committee, possibly through the League of Cities and Towns.

Sav Rebecchi, Sail Street, in referencing the three lots donated to the Town, inquired why lot number 71 was not mentioned. The Town Administrator stated that it is being discussed at this time. Additionally, Mr. Rebecchi encouraged the Council to consider allowing users of the municipal water system to be part of the Board of Water and Sewer Commission.

William Munger, Cole Street, agreed with Mr. Rebecchi.

#### **APPOINTMENTS AND RESIGNATIONS**

- 1) Ratification of the appointment of Jason Hopkins as a permanent Police Officer on the Jamestown Police Department

It was moved by Councilor DiGiando, seconded by Councilor Long to ratify the appointment of Jason Hopkins as a permanent Police Officer. So unanimously voted.

#### **UNFINISHED BUSINESS**

- 1) Rules of the House of Representatives 2005-2006 (cont. from 02/28/2005)  
Previously discussed.

- 2) Contract Bidding (cont. from 02/28/2005)
  - a) Memorandum from Councilor Guy J. SettipanePreviously discussed.

- 3) Establishment of a Board of Water and Sewer Commission (cont. from 02/28/2005) (*per Councilor Settipane*)  
Councilor Settipane stressed the need for the establishment of a Board of Water and Sewer Commission made up of a user group. Councilor Settipane stated that the users of the municipal water system are facing approximately \$20,000,000.00 in costs and with that in mind, they should have a say in the decisions being made.

The Council further discussed if there was a need for a commission made up of users, with Councilor DiGiando, Council Long and Council President Littman indicating that they were not in favor of it.

No action taken.

4) Conservation Easement on donated properties (cont. from 02/28/2005)  
Previously discussed.

### **NEW BUSINESS**

1) Conanicut Marine Services Lease for Council consideration  
Previously discussed.

### **EXECUTIVE SESSION**

#### **Phase II**

It was moved by Councilor Long, seconded by Councilor Settiane to enter into executive session at 9:35 PM pursuant to RIGL 42-46-5 (a) (2) litigation. It was voted Councilor DiGiando, aye; Councilor Long, aye; Councilor Settiane, aye; Council President Littman, aye. The motion passed unanimously.

Upon the return of the Council to open session at 9:50 PM, it was moved by Councilor Long, seconded by Councilor DiGiando to instruct the Town Administrator and Town Solicitor to move forward with the arrangements as discussed in executive session. (no vote taken)

Councilor Settiane requested that the motion state who the Town will be hiring and the general subject matter.

The motion was withdrawn by Councilor Long and Councilor DiGiando.

It was moved by Councilor DiGiando, seconded by Councilor Long to seal the minutes to the public and to hire Maryanne Crawford to help assist in research the Town in their preparation for litigation. It was voted, Councilor DiGiando, aye; Councilor Long, aye; Councilor Settiane, nay, Council President Littman, aye. The motion passed with three in favor and one opposed.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor DiGiando to adjourn the meeting at 9:53 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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