

TOWN COUNCIL MEETING
and
Board of Water and Sewer Commission
May 23, 2005

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:09 PM by Council President Kenneth G. Littman. The following members were present:

Claire W. Ferguson
Julio J. DiGiando
Guy J. Settipane

absent: David J. Long, Vice President

also present were:

Thomas P. Tighe, Chief of Police
Arlene D. Petit, Town Clerk
Carolyn Mannis, Assistant Town Solicitor

also absent: Mark W. Haddad, Town Administrator

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Honorable Attorney General Patrick Lynch re: LNG terminal opposition

Attorney General Patrick Lynch discussed the security risks and the risks to the health, safety and welfare of communities located in the path on incoming and outgoing tankers delivering LNG to the Fields Point site in Providence and the Weavers Cove site in Fall River. In assessing the risks to the Jamestown area, Attorney General Lynch presented an analysis conducted by Richard A. Clarke entitled "LNG Facilities in Urban Areas: A Security Risk Management Analysis for Rhode Island" and several maps indicating the area and rank of risk. Some of the facts reported by Attorney General Lynch were as follows:

- Rhode Island is the second most densely populated state in the United States
- An LNG tanker must proceed 29 miles inland to arrive at Field's Point
- An LNG tanker must proceed 26 miles inland to arrive at Weaver's Cove; 23 of those mile are in Rhode Island
- LNG tankers will arrive every five to seven days, with deliveries being made during the daytime hours
- A Federal exclusion zone for incoming and outgoing LNG tankers will be established
- There are only four LNG facilities in the United States

Attorney General Lynch expressed great concern on the impact to the health, safety and welfare of Rhode Island residents as well as concern on the impact to the economic development of Rhode Island coastal communities.

Attorney General Lynch noted that Governor Carcieri has retained the services of an attorney to provide legal advice relating to issues pertaining to LNG; however, that law firm has, on its website, identified the LNG industry as a major client and focus of its practice. It is the Attorney General's intent to legally challenge the siting of the LNG facilities and is requesting support from Rhode Island communities.

The Council discussed their concerns relating to such issues as the protection of the landside areas of the surrounding communities along the 29 mile path through Rhode Island, as well as the economic impact on the boating communities and the need to create an exclusion zone thereby shutting down all activities in that designated area.

President Littman on behalf of the Council thanked Attorney General Lynch for providing this information to the Council and to the Jamestown community.

ANNOUNCEMENT

Council President Littman announced that Volunteer Appreciation Day on May 25, 2005 will begin at 6:30 PM due to a scheduling conflict.

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(a), (b) and 2 be removed from the Consent Agenda. It was moved by Councilor DiGiando, seconded by Councilor Ferguson that the Consent Agenda be approved as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a)
 - b)
 - c) May 9, 2005, executive session (sealed minutes)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Library Board of Trustees (04/05/2005)
 - b) Jamestown Housing Authority (04/06/2005)
 - c) Harbor Management Committee (01/05/2005, 01/05/2005, 03/15/2005, 03/23/2005, 04/13/2005)
 - d) Personnel Board (04/21/2005)
- 4) CRMC Notices:
 - a) Cease & Desist Order to James Simmons, 17 Maple Avenue re: Plat 9 Lot 16; said location for construction of a front porch, rear deck and second story bump-out within 100 feet of a stream

- 5) Zoning Board of Review Abutter notification:
- a) Application of Maria Dolos, property located at Plat 9 Lot 568, 23 Narragansett Avenue; wherein there is currently located a pet store and a restaurant on the first floor, a business office on the second floor and an apartment on the third floor, for a Special Use Permit under Article 3, table 82-301, I. Residential, 10, Mixed Use, to allow the following change in use, two restaurants on the first floor, one apartment on the second floor and on apartment on the third floor. Applicant also requests a variance from Article 12, Parking regulations, 82-1203, Minimum off-street parking requirements, 15 spaces required (8 available) and Section 82-1204 Parking standards, including entrance aisle widths. Said property is located in a CD zone and contains 5,375 sq. ft.

- 1) Adoption of Council minutes:

- a) April 25, 2005 regular meeting

Councilor Settipane requested that his comments regarding his request to establish a budget for the highway barn facility and the new town hall be added to the minutes.

- b) May 9, 2005 regular meeting

Councilor Settipane requested that the second paragraph on page six be corrected with the addition of *for future annual increases*. The second paragraph should state Councilor Settipane stated that he would like to see the long term outlook and guidelines for the program, as well as possibly using the Consumer Price Index (CPI) as a monetary cap for future annual increases.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the April 25, 2005 and the May 9, 2005 minutes as amended. So unanimously voted.

- 2) Bills and Payroll

Councilor Settipane requested additional information on the bill for American Arbitration Association in the amount of \$175.00.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the bills and payroll. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (1) Personnel

President Littman announced that there would be an executive session at the end of the meeting, pursuant to RIGL 42-46-5 (a) (1) to discuss personnel.

Council President Littman requested that the unfinished business from the Board of Water and Sewer Commission be moved up on the agenda.

UNFINISHED BUSINESS: BOARD OF WATER AND SEWER COMMISSION

- 1) Application of Maria Dolos (Plat 9, Lot 568; 23 Narragansett Ave) for expansion/change of use (continued from May 16, 2005)

Counsel for George, Eirene and Maria Dolos, James A. Donnelly informed the Council that his clients have abandoned their request to change the use of the second floor to an apartment and to have that floor remain as rental office space. Mr. Donnelly stated that there will be additional water meters installed to adequately monitor water usage. In addition, his clients will install low flow fixtures and are willing to guarantee that they will not exceed the previous year's water usage of 370,000 gallons.

Although Commissioner Ferguson noted that this would be a positive project for the village, it was the consensus of the Commission that the projected water usage numbers as presented by Mr. Donnelly were not sufficient enough to conform with Section 14A Section III of the Water Rules and Regulations.

It was moved by Commissioner Littman, seconded by Commissioner Ferguson to continue the application of Maria Dolos for expansion/change of use to the Board of Water and Sewer Commission meeting on June 20, 2005. It was voted, Commissioner DiGiando, aye; Commissioner Ferguson, nay; Commissioner Settipane, aye; Commissioner Littman, aye. The motion to continue passed with three in favor and one opposed.

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) Beavertail Lighthouse Museum re: letter to the US Coast Guard requesting the amendment to current license agreement to allow accessibility to the Granite Tower Light Structure

Varazan Karentz, Beavertail Lighthouse Museum Association member, stated that an amendment to the current license agreement is being requested for accessibility with restrictions limited only to the lantern room. This would allow the Beavertail Lighthouse Museum Association (BLMA) controlled visitor access to the granite tower structure and allow the BLMA to begin raising funds for the repair and maintenance of the structure.

It was moved by Councilor DiGiando, seconded by Councilor Settipane to approve the request and to instruct the Town Administrator to take the necessary steps to forward a letter to the Coast Guard informing them of the decision. So unanimously voted.

- b.) Water Tower Property re: letter requesting the Council rescind permission of ingress and egress to James West

Mary Ann Joyce stated that equipment owned by Mr. Messinger was being parked on the Town-owned land at the water tower and the noise and fumes from this landscaping equipment is disturbing. Ms. Joyce further stated that the permission given by the Town was for Mr. West to pass through the water tower property and did not include any of Mr. Messinger's equipment.

Mr. West requested that the Council allow him to continue to use the water tower property and for that privilege he will continue to take care of the lot.

Norman Messinger stated that he has been accessing his property and equipment in the same manner for more than thirty years.

It was moved by Councilor Settupane, seconded by Councilor Ferguson to authorize the Town Administrator to meet with both parties within fourteen days and to administratively find a solution to the problem. So unanimously voted.

2. Proposed Legislation re: tax exemption for totally disabled
Councilor Settupane stated that he was concerned with sending the legislation to the General Assembly without the amount of exemption being stated and suggested contacting the Tax Assessor so that he could provide the proper amount.

The Council discussed the proper procedure for submitting proposed legislation and questioned if it would be necessary to hold a hearing for the adoption of an ordinance prior to submitting the legislation.

It was the consensus of the Council to request information on the proper procedure to be followed for the submission of proposed legislation.

4. Executive Session minutes re: consideration of release
The Council discussed the release of executive session minutes relating to collective bargaining.

Councilor Settupane noted that in reviewing the executive session minutes for release, he has found that there is specific information missing from the minutes. Councilor Settupane further noted that the executive sessions are not recorded nor are the notes from the meeting kept; therefore, he requested that upon the release of the minutes he be allowed to make the appropriate amendments to them.

The Town Solicitor informed the Council that the executive session minutes were on the agenda for the consideration of being unsealed and released and not for amendment. Therefore, they should be put on the next agenda for amendments and approval.

Councilor Settupane suggested that a policy and procedure be set for the recording of executive session minutes.

It was moved by Councilor Settupane, seconded by Councilor DiGiando to instruct the Town Administrator in cooperation with the Town Clerk and Town Solicitor to develop a written policy regarding the manner in which executive session minutes are recorded and the timely submission to the Town Council not to exceed thirty days. So unanimously voted.

Fire Chief

It was the consensus of the Council to instruct the Town Clerk to forward congratulations to the new Fire Chief James Bryer, III and to send a letter of appreciation to retiring Fire Chief James "Bob" Bryer.

- 2) Conservation Commission
 - a) Memorandum from Chair re: Recommendation of Danielle Tessier Minto as Conservation Commission representative for the Tree Preservation and Protection Committee

It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the letter of recommendation of Danielle Tessier Minto as the Conservation Commission representative for the Tree Preservation and Protection Committee. So unanimously voted.

- 3) Town Clerk
 - a) Memorandum re: Licensing

The Town Clerk informed the Council that the new Exhibition License will be used for any show, exhibition and event where multiple vendors will be offering items for sale. Any organization (promoter) holding a “show” (exhibition, craft fair, etc.) must first obtain a Promoter’s Permit from the State. It will be the duty of the promoter to collect the sales tax due from each vendor and forward it to the State. Although non-profit organizations are most often considered tax-exempt, they must also apply for a Promoter’s Permit.

It was the consensus of the Council to accept the Exhibition License.

PUBLIC HEARING

- 1) Proposed ordinance amending Article III. Noise, Section 22-61 and 22-62 of the Jamestown Code of Ordinance. This ordinance contains new provisions under Section 22-63 through 22-68 (duly advertised)

Council President Littman opened the public hearing on the proposed ordinance amending Article III. Noise, Section 2-61 and 22-62 of the Jamestown Code of Ordinance at 9:30 PM.

Council President Littman noted that the present noise ordinance goes back seventy or more years and is not enforceable because it restricts “unusual noises or sounds that are not defined”.

The Town Solicitor stated that the proposed ordinance as presented was drafted from noise levels taken by the Jamestown Police. As presented, the Town Solicitor believed at the proposed ordinance is constitutionally legal.

Council President Littman opened the hearing for public comment.

Stephen Mecca, Aquidneck Court, stated that because the definition of noise is missing from the ordinance it is subject to interpretation. Loud music could be considered music and not noise. Additionally, Mr. Mecca was concerned that the words comfort and peace were removed from the proposed ordinance and that the decibel levels are too high.

Dennis Webster, Mt. Hope Avenue, stated that he has concerns with the decibel levels being set too high. Additionally, Mr. Webster stated that there are two settings on the

meter, a fast response or a slow response and readings can be misrepresented depending on how the meter is set. Mr. Webster inquired where the noise level readings would be taken from; the property line or from some other area. Mr. Webster stated that there is not a list of exceptions for such things as fire sirens, trucks, lawnmowers, construction operations, etc.

Frank Meyer, Southwest Avenue, stated that anyone moving into a business district should be aware of what is there. Mr. Meyer stated that he was concerned with the enforcement of the ordinance and the possible need of hiring one more police officer to enforce the ordinance.

Michael Swistak, Narragansett Avenue, Chamber of Commerce, asked how the decibel readings were collected. Additionally, Mr. Swistak stated that the current draft is a great start and if the decibel levels are not correct, they can be looked at again for possible changes.

Magdalena Andres, Clinton Avenue, stated that the residential area and the commercial line are ambiguous.

Michael White, Sloop Street, asked how noise ordinances are enforced in other communities

Chief Tighe noted that most noise ordinances are enforced by complaints.

Town Solicitor Mannis stated that many of the noise ordinances in place in other communities are not constitutional and could be subject to a legal challenge. Ms. Mannis further stated that with her experience in challenging this type of ordinance in other communities, there were certain areas purposely omitted to ensure that the ordinance prepared for Jamestown would withstand a legal challenge.

Stephen Mecca, Green Lane, stated that his property abuts the Narragansett Café and the high decibel levels in the proposed ordinance makes offensive noises allowable.

Wesley Hackman, Cole Street, stated that anyone purchasing a house in an established business area knows what is there and should not be allowed to affect a business trying to keep going.

It was moved by Councilor Settipane, seconded by Councilor DiGiando to close public comment at 9:50 PM. So unanimously voted.

The Council cited several areas of concern relating to the proposed ordinance:

- the proposed ordinance does not provide any provision for exemptions
- the proposed ordinance is too minimal in its language
- decibel levels should be broader
- additional clarification is needed
- define where decibel levels are measured from

The Town Solicitor stated that more detail and definition contained in the ordinance makes it more liable to be challenged.

Councilor DiGiando stated that although the proposed ordinance does not satisfy everyone, it is in the best interest of the Town to have an ordinance that will be enforceable.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to adopt the proposed ordinance as presented. It was voted Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Settipane, nay; Council President Littman, nay. The motion failed with two in favor and two opposed.

ORDINANCES AND RESOLUTIONS

1) Proclamation 05-009P re: Jamestown Graduates Week
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to adopt Proclamation 05-009P honoring Jamestown graduates. So unanimously voted.

2) Proclamation 05-012P re: Jamestown Volunteer Appreciation Day
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to adopt Proclamation 05-102P in honor of Jamestown Volunteer Appreciation Day. So unanimously voted.

COMMUNICATIONS AND PETITIONS

1) Letter from Bob Cooper, Executive Secretary of the Governor's Commission on Disabilities re: Gemma A. Guinguing letter
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the communication with attachments from Bob Cooper. So unanimously voted.

2) Petition from residents of upper Spanker Street re: paving
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the petition from residents of upper Spanker Street and to forward to the Town Administrator. So unanimously voted.

3) Letter from Linda DiMauro of the Jamestown Humane Society re: deer survey update
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Linda DiMauro. So unanimously voted.

4) Letter from Bill Sheehan re: Ft. Getty dock
It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Bill Sheehan. So unanimously voted.

5) Letter from Thomas Ginnerty re: speeding
It was moved by Councilor DiGiando, seconded by Councilor Settipane to accept the letter from Thomas Ginnerty. So unanimously voted.

- 6) Letter from Mary Ann Joyce re: access to the water tower on Howland Avenue

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter and minutes from Mary Ann Joyce. So unanimously voted.

- 7) Petition from residents of Port Avenue re: demolition of 262 Seaside Drive

Roberta Turcone presented a revised petition to the Council. It was moved by Councilor Settipane, seconded by Councilor Ferguson to accept the petition from residents of Port Avenue and to refer to the Town Administrator, Police Department, Town Solicitor and Building Inspector. So unanimously voted.

- 8) Letter from Dennis Webster re: Noise Ordinance

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Dennis Webster. 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 Renewal License
 - a) Application of Paws & Claws, Inc. dba: Paws & Claws, 23 Narragansett Avenue

It was moved by Councilor DiGiando, seconded by Councilor Settipane to approve the Sunday Sales Renewal License for Paws & Claws, Inc. dba: Paws & Claws. So unanimously voted.

It was the consensus of the Council to move the following items under new business up on the agenda.

New Business

- 1) Letter from B.J. Whitehouse re: location of July 1st firework display
Mr. Whitehouse informed the Council that he would like the Council's endorsement of the use of Fort Wetherill as the location for the Independence Day fire works. Once the Council gives their endorsement he will work with RIDEM to secure the location and continue with plans.

It was moved by Councilor DiGiando, seconded Councilor Ferguson to approve the fireworks at Fort Wetherill on July 1, 2005. So unanimously voted.

- 3) Jamestown Housing Authority
 - a) Request for support regarding building of 8 units of elderly housing on the corner of Pemberton & Watson Avenue
 - b) Resolution 05-010R; if favorable, adopt

Sirje Karl, Executive Director of the Jamestown Housing Authority requested the Council's endorsement in support of a DUD Section 202 Grant Application for affordable housing for the elderly at 45 Pemberton Avenue. Ms. Karl stated that this would be for

an additional eight units of housing at the northwest corner of Watson Avenue and Pemberton Avenue.

There was some mention of the issue of water and sewer; however, it was noted that the need for affordable housing is a major concern and consistent with the Affordable Housing Plan.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve and support the request of the Jamestown Housing Authority to expand senior housing on their existing site on Pemberton Avenue. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to adopt Resolution 05-010R. So unanimously voted.

OPEN FORUM

1) Scheduled request to address
a) Representative Bruce Long re: Legislative Update
Representative Bruce Long was present to give a legislative update.

2) Non-scheduled request to address
Mary Webster, Mt. Hope Avenue, requested that she be allowed to resubmit her application for the Building & Facilities Committee.

Frank Meyer, Southwest Avenue, commented that the transfer station stickers no longer allow entrance into Fort Getty.

In discussion, Council members expressed their concern that the decision to change the procedure for the transfer station sticker and beach sticker did not come before the Council. Councilor Settipane suggested that this be addressed by the new Town Council.

By consensus of the Council the recommendations from the Harbor Management Commission regarding public pier restrictions was moved up on the agenda.

Unfinished Business

3) Public Pier restrictions
a) Recommendations from Harbor Management Commission re: Harbor Management Ordinance Sec. 7 (e) (1)Swimming, diving and fishing
Richard Anderson, Harbor Management Commission member, presented the recommendation of the Harbor Management Commission regarding public pier restrictions.

The Council took comments from the following individuals relating to their concerns of public access and the curfew to individuals paying to fish at the Fort Getty pier, as well as the problems relating to litter and mixed uses on the public piers:

Jack Richards
Wesley Hackman
Peter Faye
Richard Romano
Gregory Zeek
Jill Anderson
Robert Bowen

Chief Tighe informed the Council that there is a ten o'clock curfew for visitors at Fort Getty. The Police Department received a call from the Recreation Department that there were approximately fifty (50) visitors with a day pass fishing after the curfew; police were dispatched to see that the fishermen were moved out of Fort Getty. Chief Tighe stated that access to the dock was blocked, creating a concern for the safety of the individuals.

The question arose as to whether a resident with a pass must abide by the same ten o'clock curfew.

There was Council discussion regarding the confusion in the language in the Fort Getty brochure.

It was the consensus of the Council that the Town Administrator should deal with the administration and coordination of this issue.

Upon Council discussion and recommendations by the Harbor Management Commission, it was moved by Councilor DiGiando, seconded by Councilor Settipane to adopt the following in relation to fishing, diving and swimming on Town owned piers, floating docks, wharfs and jetties:

Piers – No Swimming/No Diving

- East Ferry Concrete Pier – allow fishing on the north face of the pier only
- East Ferry Wood Pier – allow fishing; yielding to boaters
- West Ferry Pier – allow fishing

Floating Docks – No Swimming/No Diving

- East Ferry Touch and Go (Outside) – allow fishing; yielding to boaters; no more than 10 people on the dock at any one time
- East Ferry Touch and Go (Inside) – no fishing
- West Ferry Touch and Go – no fishing

Wharfs – No Swimming/No Diving

- Ft. Getty Dock – fishing allowed off north and west face only

Jetties

- Heads Beach – no fishing on the north side when swimmers are present

So unanimously voted.

APPOINTMENTS AND RESIGNATIONS

- 1) Affordable Housing Committee
 - a) Two (2) vacancies exist, terms ending May 31, 2008; duly advertised and interviews complete. If favorable:
 - i) Seeking Reappointment:
 - Nancy L. Mason
 - ii) Letter of Interest:
 - Valerie Malloy
 - b) Letter of recommendation from Affordable Housing Committee Chair

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to appoint Nancy L. Mason and Valerie Malloy to the Affordable Housing Committee with a term ending May 31, 2008. So unanimously voted.

- 2) Coastal Resource Management Council Representative
 - a) One (1) vacancy exists, term ending May 31, 2007; duly advertised and interviews complete. If favorable:
 - i) Seeking Reappointment:
 - Emmet E. Turley
 - Wendy Waller

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to appoint Wendy Waller as the Jamestown representative to the Coastal Resource Management Council, term ending May 31, 2007. So unanimously voted.

- 3) Personnel Board
 - a) Two (2) vacancies exist, term ending May 31, 2008; duly advertised and interviews complete. If favorable:
 - i) Letter from Michael Schnack re: resignation(Previously accepted)
 - ii) Seeking Reappointment:
 - Mary Anne Joyce
 - iii) Letter of Interest
 - John P. Collins
 - b) Letter of recommendation from Personnel Board Chair

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to appoint Mary Anne Joyce and John P. Collins to the Personnel Board, with a term ending May 31, 2008. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the recommendation from the personnel Board Chair. So unanimously voted.

- 4) Tax Assessment Board of Review
 - a) One (1) vacancy exists, term ending May 31, 2008; duly advertised and interviews complete. If favorable:
 - i) Seeking Reappointment:
 - Anne Maxwell Livingston

It was moved by Councilor DiGiando, seconded Ferguson to reappoint Anne Maxwell Livingston to the Tax Assessment Board of Review with a term ending May 31, 2008. So unanimously voted.

- 5) Town Buildings and Facilities Committee
 - a) Three (3) vacancies exist, two (2) regular voting members and one (1) alternate member, terms ending May 31, 2008; duly advertised and interviews complete. If favorable:
 - i) Letter of resignation from Arek Galle
 - ii) Seeking Reappointment:
 - Paul (Nick) Robertson
 - William Marsh
 - Valerie Malloy (alternate)
 - iii) Letter of Interest:
 - Jane S. Sprague
 - b) Letters or recommendation from Town Buildings and Facilities Chair

Upon review of the list of members for the Town Buildings and Facilities Committee it was found that there are three (3) regular vacancies and one (1) alternate member vacancy.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to reappoint Paul (Nick) Robertson and William Marsh to the Town Buildings and Facilities Committee with a term ending May 31, 2008 and to appoint Valerie Malloy as a full member with a term ending May 31, 2007. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to appoint Jane S. Sprague as an alternate member of the Buildings and Facilities Committee, with a term ending May 31, 2008. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letters of recommendation from the Town Buildings and Facilities Chair. So unanimously voted.

- 6) Water Resource Protection Committee
 - a) Two (2) vacancies exist, terms ending May 31, 2008; duly advertised and interviews complete. If favorable:
 - i) Letter of Interest:
 - Mary Brennan

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to appoint Mary Brennan to the Water Resource Protection Committee for a term ending May 31, 2008. So unanimously voted.

UNFINISHED BUSINESS (cont. from 05/09/2005)

- 1) Proposed legislation relating to tax exemption of property of totally disabled person; if favorable vote to forward to the General Assembly for adoption

Previously addressed.

- 2) Liquefied Natural Gas (LNG) re: funding for legal challenge

It was the consensus of the Council to invite Governor Carcieri or a representative from his office to the Council meeting on June 13, 2005 to discuss the siting of LNG facilities.

Representative Bruce Long informed the Council that he would make the arrangements for someone from the Governor's office to attend.

- 3) Public Pier restrictions
 - a) Recommendations from Harbor Management Commission re: Harbor Management Ordinance Sec. 7 (e) (1)Swimming, diving and fishing

Previously addressed.

- 4) Release of Executive Session minutes for Council consideration
 - a) January 12, 2004
January 23, 2004
February 25, 2004
March 4, 2004
March 15, 2004
March 22, 2004
September 13, 2004 Phase I

Regarding the release of the executive session minutes relating to collective bargaining, it was moved by Councilor Settipane, seconded by Councilor DiGiando to have the minutes unsealed for the January 12, 2004; January 13, 2004; February 25, 2004; March 4, 2004; March 15, 2004; March 22, 2004 and Phase I September 13, 2004 unsealed. So unanimously voted.

Councilor Settipane stated that it was his intention to amend the minutes at this time and was unhappy with the past procedure for lack of review for executive session minutes. Councilor Settipane noted that a new policy must be adopted for the future.

UNFINISHED BUSINESS: BOARD OF WATER AND SEWER COMMISSION

- 1) Application of Maria Dolos (Plat 9, Lot 568; 23 Narragansett Ave) for expansion/change of use (continued from May 16, 2005)

Previously discussed.

NEW BUSINESS

- 1) Letter from B.J. Whitehouse re: location of July 1st firework display

Previously discussed.

- 2) Letter from Ken Ayars, Division of Agriculture re: Agriculture Land Preservation Commission
 - a) Appointment of a Jamestown resident to the negotiation team

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Ken Ayars and to advertise for the position. So unanimously voted.

- 3) Jamestown Housing Authority
 - a) Request for support regarding building of 8 units of elderly housing on the corner of Pemberton & Watson Avenue
 - b) Resolution 05-010R; if favorable, adopt

Previously discussed.

- 4) Proposed resolution to set a cap on long term spending
 - a) Memorandum from the Town Clerk

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

There was no action taken of the proposed resolution to set a cap on long term spending.

- 5) Town Warrants
 - a) Local election, June 1, 2005
 - b) Financial Town Meeting, June 6, 2005

No action taken.

- 6) Letter from Peder A. Schaefer, Chief, Office of Municipal Affairs re: acceptance of the Town's "Notice of Proposed Property Tax Rate Change"

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to accept the letter from Peder A. Schaefer. So unanimously voted.

EXECUTIVE SESSION

Council President Littman announced his intent to entertain a motion to enter into executive session at 12:40 AM, pursuant to RIGL 42-46-5 (a) (1) Personnel. It was determined by a poll of the Council that there would not be enough votes in favor of entering into executive session.

There being no further business before the Council, it was moved by Councilor Settiane, seconded by Councilor DiGiando to adjourn the meeting at 12:45 AM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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