

## TOWN COUNCIL MEETING

May 9, 2005

(amended May 23, 2005)

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:02 PM by Council President Kenneth G. Littman. The following members were present:

David J. Long, Vice President  
Claire W. 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  
Lisa W. Bryer, Town Planner

representing the Fort Getty Master Plan Committee were:

Mary Meagher, Committee Chair  
Betty Hubbard  
Richard Condon  
Patrick Bolger  
James Archibald  
William Marsh  
Matthew Bolles

### AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Ft. Getty Master Plan
  - a) Report from Mary Meagher, Chair

Mary Meagher, Fort Getty Master Plan Committee Chair, indicated that in putting the report together the committee took into consideration the 2002 Comprehensive Community Plan, the history of Fort Getty and its current conditions, resident surveys, an analysis of the resources and facilities at Fort Getty as well as an analysis of the problems and opportunities associated with them, a review of the 1994 Master Plan's goals and action taken to accomplish those goals, and the future use and needs of Fort Getty.

Ms. Meagher reported that the goals set by the committee were as follows:

- |                |   |
|----------------|---|
| <u>Goal I</u>  | Upgrade park facilities and amenities, which will enhance the appeal of the park for residents and other visitors |
| <u>Goal II</u> | Develop additional water dependent and water enhanced active and passive recreational opportunities for residents |

Goal III Maintain positive financial revenues from current and future uses at Fort Getty that will be available for park maintenance and improvements

In addition, Ms. Meagher suggested that the Council consider the following recommendations by the Fort Getty Master Plan Committee for the future of Fort Getty:

- Fort Getty Capital Improvement Fund
- Fort Getty Committee
- Development of a Land Use Plan
- Park Management

The Council addressed several concerns relating to the implementation of the recommendations by the Fort Getty Master Plan Committee. Among those concerns were:

1) Financing of the recommendations

The Town Administrator stated that the first phase in the 10 year capital budget for Fort Getty in the amount of \$30,000.00 was presented to the Council this budget year. Mr. Haddad stated that in the future it is expected that this amount will increase.

Councilor Settupane suggested that the revenue from Fort Getty be handled in a similar manner as revenue from the Harbor Commission.

2) Reduction in recreational vehicle (RV) sites

Ms. Meagher stated that this would be addressed by a Land Use Planner, with the solution possibly being nothing more than a reorganization of the sites.

3) Ratification of the Plan and the possible need for changes

The Town Solicitor confirmed that ratification of the Plan does not lock the Council into all of the recommendations

4) Committee recommendation

Ms. Meagher strongly recommended a committee be appointed specifically to oversee the implementation of the Plan. Representatives from the following committees could be considered: Harbor Management Commission, Planning Commission, Council Liaison and resident at-large.

There being no further Council discussion, it was moved by Councilor Long, seconded by Councilor Ferguson to adopt the Fort Getty Master Plan as presented. So unanimously voted.

**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.*

The Town Clerk requested that the minutes from the April 25, 2004 Town Council meeting be removed from the Consent Agenda. It was moved by Councilor Settipane, seconded by Councilor Long that the Consent Agenda be approved as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
  - a) April 11, 2005 Regular meeting (amended)
  - b) ~~April 25, 2005 Regular meeting~~
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
  - a) Jamestown Substance Abuse Prevention Task Force (04/06/2005)
  - b) Personnel Board (03/24/2005)
  - c) Zoning Board of Review (03/22/2005)
  - d) Beavertail State Park Advisory Committee (10/13/2004)
  - e) Water Resource Protection Committee (01/11/2005)
- 4) CRMC Notices:
  - a) May 2005 Calendar
- 5) Proclamations & Resolutions from other Rhode Island cities and towns:
  - a) Town of Portsmouth
    - i) Resolution requesting the RI General Assembly to increase the amount of Real Estate Conveyance received by Rhode Island and municipalities
    - ii) Resolution in support of pension reform

## EXECUTIVE SESSION ANNOUNCEMENT

1) Pursuant to RIGL 42-46-5 (a) (1) Personnel  
Council President Littman announced that there would be an executive session later in the evening pursuant to RIGL 42-46-5 (a) (1) personnel, to conduct a six-month review of the Town Administrator's job performance.

The Town Administrator requested that the FY2005 Community Development Block Grant be moved up on the agenda.

### Unfinished Business

- 4) FY2005 Community Development Block Grant
  - a) Approval of priority project and adoption of resolutionCouncilor Settipane requested that funding be requested for the bathroom facilities to be upgraded to handicapped accessible at Fort Getty.

The Town Planner answered that it would be appropriate to apply for funding once the plans and costs are established. Additionally, Ms. Bryer noted that there is a good chance

the Town may be eligible to receive recreational grant funding to assist in the financing for upgrading bathroom facilities to handicap accessible.

It was moved by Councilor Long, seconded by Councilor DiGiando to adopt the Community Development Block Grant application as presented by the Town Planner for an amount not to exceed \$250,000.00 and the accompanying resolution 05-003R. So unanimously voted.

### **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). Review resolution regarding public pier restricting swimming, diving and fishing

Following Council discussion, it was determined that the Harbor Management Ordinance as adopted by the Town Council on June 17, 2004 (Section 7, Regulated Activities (e) (1) *Swimming and diving*) states that "swimming, diving, or fishing off town-owned piers, floating docks, wharfs, and jetties is prohibited unless otherwise authorized and posted by the Town Council."

James Archibald, Harbor Management Commission Chair, suggested that the commission meet and offer recommendations on areas that may be posted as intended in the ordinance.

It was the consensus of the Council that the Harbor Management Commission submit their recommendations of areas to be posted at the May 23, 2005 Town Council meeting.

- 1(c). Authorize Town Administrator to execute deeds and easements on property donated to the Conanicut Island Land Trust

Councilor Settignano requested that clarification be made as to the parties responsible for the costs and liabilities related to the enforcement of the deeds and easements. The Town Administrator and Town Solicitor recommended changing the terms to "Conanicut Island Land Trust" (Trust) and "Town of Jamestown" (Town) to more clearly identify the parties.

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to instruct the Town Administrator to execute the documents consisting of deeds and easements for the donated properties on behalf of the Town. So unanimously voted.

- 1(d). Proposed Ordinance for Tax Exemptions of totally disabled persons; if favorable vote to schedule hearing

The Town Administrator informed the Council that following a conversation with the Town Solicitor, it would be possible to adopt an ordinance for a tax exemption for the totally disabled which would cover an individual that is deaf, if the individual were proven to be totally disabled.

Council President Littman noted that this would tie the ordinance to the standard for Social Security Disability Awards.

It was the consensus of the Council to request that a draft ordinance be submitted to the Council on May 23, 2005 for their consideration.

2. Authorization for a sign to be placed at the entrance of the Newport Pell Bridge from June 26, 2006 to July 2, 2006 for the USGA 2006 Women's Open Championship

Joseph Butz, USGA Championship Director, requested that the signage for the USGA 2006 Women's Open Championship be placed at the Newport Pell Bridge advertising the event. The sign would be placed on the right shoulder just before or just after the toll booth.

The Council discussed their concerns with the size of the sign as well as the placement.

It was moved by Councilor Settupane, seconded by Councilor Long to grant the request of the USGA 2006 U.S. Women's Open Championship with respect to temporary signage on the Bridge Authority property for one sign for the event of June 26, 2006 to July 2, 2006 with the Town of Jamestown reserving the right to amend or modify its approval with respect to location and/or size of the sign and with the direction that the Town Administrator work to effectuate the final approvals. So unanimously voted.

Councilor Long stated that he would like to see the sign on the east side of the toll booth.

3. Approval of incentive plan for Jamestown Emergency Medical Services

The Town Administrator presented the Council with a new draft of the Jamestown Emergency Medical Services (JEMS) Plan, #11 dated May 4, 2005. Mr. Haddad stated that this is a per shift contract with the budget of \$60,000.00 being divided by the number of total shifts ( $\$60,000.00 / \# \text{ of shifts} = \text{shift value}$ ) and with the shift value being multiplied by a percent allocation to determine the cash award per shift ( $\text{shift value} \times \text{percent allocation} = \text{cash award per shift}$ ). Mr. Haddad noted that it is his understanding that the membership of JEMS is in agreement with the concept of the Plan. Additionally, Mr. Haddad stated that he is recommending that the tax exemption for the members of the Jamestown Emergency Medical Services and the Jamestown Volunteer Fire Department be increased from \$50,000.00 to \$75,000.00.

Clem Napolitano, Director of the Jamestown Emergency Medicals Services, stated that it is the goal of JEMS to provide two twelve-hour shifts per day with each shift manned by an EMT Officer in Charge, 2<sup>nd</sup> EMT, a driver and a crew member.

The Town Administrator noted that the only remaining issue that will need to be addressed is a stipend for the Director. This issue will be addressed and brought back to the Council at a later date.

Mr. Napolitano requested that the Council consider some type of compensation for members that do not have property by a dollar amount equal to the tax exemption abatement. That amount would be approximately \$675.00 at the \$75,000.00 rate.

William Murphy, Hamilton Avenue, requested that there should be a change to the wording in Section 3) Benefits Award (a) should read: cash reward (taxable income); and (the word **or** should be stricken). Additionally, Mr. Murphy suggested that the Executive Committee and Incentive Committee should be defined under 1) Definitions.

Councilor Settupane 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 Settupane, seconded by Councilor DiGiando to approve the Jamestown Emergency Medical Services Incentive Program as presented with the understanding that the Town Administrator will be entering into a Memorandum of Understanding prior to expiration of this one-year incentive program that addresses the issues as discussed here tonight, inclusive of compensation on a longer term basis. So unanimously voted.

4. Proposed legislation re: increase on property tax exemption for the Jamestown Fire Department and Emergency Medical Services

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the proposed legislation to increase the property tax exemption from \$50,000.00 to 75,000.00 and to change the name from the Jamestown Volunteer Ambulance Corps to the Jamestown Emergency Medical Services and that this legislation be presented to the General Assembly for approval. So unanimously voted.

The Town Administrator requested that an item under New Business be moved up on the agenda.

#### New Business

5) Harbor Management Commission budget; if favorable, vote for adoption Following a discussion with James Archibald, Harbor Management Commission Chair, it was moved by Councilor DiGiando, seconded by Councilor Long to adopt the 2005/2006 Marine Development Budget and the Jamestown Harbor Commission Long Range Infrastructure Plan. So unanimously voted.

Councilor DiGiando asked to address the following issues:

#### Landfill Mediation

Councilor DiGiando requested that the South Pond be dredged and the material be used in the covering of the landfill. It was the consensus of the Council that the Town Administrator research this and report back to the Council at the meeting of the Board of Water and Sewer Commissioners on May 16, 2005.

Council President Littman announced a five-minute break at 9:10 PM.

- 2) Ft. Getty Master Plan Committee
  - a) Committee recommendation; if favorable vote to adopt plan  
Previously discussed.

## **PUBLIC HEARING**

None

## **ORDINANCES AND RESOLUTIONS**

None

## **COMMUNICATIONS AND PETITIONS**

1) Letter from Dr. Joseph J. England re: parking on Howland Avenue  
It was moved by Councilor Settipane, seconded by Councilor DiGiando to accept the letter from Dr. Joseph England and to refer the letter to the Town Administrator. So unanimously voted.

2) Letter from Jeffrey McDonough, Jamestown Press Publisher re: legal advertising  
The Town Administrator reported that there was no provision for renewal in the present contract and the advertising services must go out to bid.

It was moved by Councilor Settipane, seconded by Councilor Long to accept as communication the letter from Jeffrey McDonough, Jamestown Press Publisher. So unanimously voted.

3) Letter from Richard Ruggiero, Bristol Town Council Chairman re: Liquefied Natural Gas (LNG) onshore terminals  
It was moved by Councilor Long, seconded by Councilor Ferguson to accept the letter from Richard Ruggiero. So unanimously voted.

4) Email from Kevin Ford and Maria Ascioffa re: 455 Davit Avenue fence  
It was moved by Councilor Long, seconded by Councilor Ferguson to accept the email from Kevin Ford and Maria Ascioffa. So unanimously voted.

5) Letter from Cynthia Levesque re: Bus shelter on frontage road  
The Town Administrator informed the Council that he would work with the Department of Public Works Director to address the problem of the bus shelter and report back to the Council.

It was moved by Councilor Long, seconded by Councilor Ferguson to accept the communication from Cynthia Levesque and request a report on the results from the Town Administrator.

- 6) Letter from RC Cournoyer Enterprises Inc., ISDS Application #0315-0037 of Robert Haberland; plat 15 lots 84 & 85, Starboard Avenue

It was moved by Councilor Settipane, seconded by Councilor Long to accept the communication from RC Cournoyer Enterprises, Inc. and to refer the matter to the Town Administrator for the appropriate response regarding groundwater. So unanimously voted.

- 7) Letter from Dennis Webster re: RI Bridge & Turnpike Authority

It was moved by Councilor Settipane, seconded by Councilor Long to accept the letter from Dennis Webster and instruct the Town Administrator to work with the Rhode Island Bridge & Turnpike Authority regarding the installation of a perimeter fence. 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) One Day Peddler License:

- a) Application of the Jamestown Medical Fund to sell flowers on Saturday, May 21<sup>st</sup> from 9:00 a.m. to Noon at the East Ferry Beach green (*no insurance form submitted*)

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the One Day Peddler License for the Jamestown Medical Fund to sell flowers on Saturday, May 21 from 9:00 a.m. to 12:00 Noon at the East Ferry Beach green. So unanimously voted.

- 2) One Day Entertainment License

- a) Application of Harriet Mistowski dba: Jamestown Golf Course to hold the 4<sup>th</sup> Annual Tournament of the Ocean State Parrot Head Club on Sunday, September 11<sup>th</sup> from Noon to 4:00 p.m. at 245 Conanicus Avenue (*no insurance form submitted*)

It was moved by Councilor DiGiando, seconded by Councilor Ferguson to approve the One Day Entertainment License for the Jamestown Golf Course to hold the 4<sup>th</sup> Annual Tournament of the Ocean State Parrot Head Club on Sunday, September 11<sup>th</sup> from Noon to 4:00 p.m. at 245 Conanicus Avenue. So unanimously voted.

### **OPEN FORUM**

- 1) Scheduled request to address

- a) Representative Bruce Long re: Legislative Update

Representative Long reviewed current legislation. Representative Long reported that there will be a meeting on May 19, 2005 to discuss the transport of LNG and its impact on the Tobin Bridge during delivery at the Everett MA LNG terminal. The safety and security staff will review procedures and answer questions.

- 2) Non-scheduled request to address

Fred Pease, Town Sergeant informed the Council that on May 21, he will be participating

in "Echo Taps" in New York. This event will require 600 to 800 buglers to form an audible connection between Elmira, NY Woodlawn National Cemetery and the Bath, NY National Cemetery in honor of departed service members. It was the consensus of the Council that Mr. Pease would represent the Town of Jamestown at this event.

Sav Rebecchi, Sail Street, suggested that the Council consider automobile tax abatement for Emergency Medical Service members that do not own property in Jamestown.

## **APPOINTMENTS AND RESIGNATIONS**

None

## **UNFINISHED BUSINESS**

- 1) Property Tax Exemptions re: proposed amendment to include a tax exemption for totally disabled persons (cont. from 04/25/2005)

Previously addressed.

- 2) State Pension fund (cont. from 04/25/2005)
  - a) Report from the Town Solicitor

The Council discussed their concern as to how a shortfall of this magnitude could happen and how the pension reform would affect the Town of Jamestown and other communities throughout the state. In answer to a question from the previous Council meeting, the Town Solicitor reported that it has not yet been established who the public accountants are, although some of the fund managers are listed. Additionally, the Town Solicitor answered that monies from Jamestown have gone into the pension fund and as such may confer a certain degree of standing in addressing this issue.

Councilor Settupane suggested that dialog between the thirty-nine (39) communities throughout the state begin, as well as a letter to the Attorney General questioning how this \$3,000,000.00 unfunded liability was allowed to develop.

It was the consensus of the Council that the Town Solicitor provide a list of the public accounting firms and consultants involved in the pension shortfall to the Council at their meeting on May 23, 2005.

- 3) School Committee (cont. from 04/25/2005)
  - a) Request for endorsement for the following resolutions:
    - i) Charter School Analysis

It was moved by Councilor Settupane, seconded by Councilor Long endorse the resolution regarding Charter Schools. So unanimously voted

- ii) Regional Busing

It was moved by Councilor Settupane, seconded by Councilor Long to support the School Committee's proposal / resolution on regional busing as presented. So unanimously voted.

- iii) Scope of Bargaining
  - b) Additional information provided by the School Committee Chair

It was moved by Councilor Settipane, seconded by Councilor Ferguson endorse the resolution relating to scope of bargaining as presented by the School Committee. So unanimously voted.

4) FY 2005 Community Development Block Grant (cont. from 04/25/2005)  
a) Approval of priority project and adoption of resolution  
Previously addressed.

5) Open Meetings Resolution – Revised (*per Councilor Settipane*)  
By Council consensus, this item was passed on the agenda.

### NEW BUSINESS

1) Public Pier  
a) Amend resolution re: restriction of swimming, diving and fishing  
Previously addressed.

2) Permission to place a sign promoting the USGA 2006 Women's Open from June 26, 2006 to July 2, 2006 at the Newport Pell Bridge  
Previously addressed.

3) Jamestown Emergency Medical Services Incentive Plan; if favorable, vote to approve  
Previously addressed.

4) Proposed legislation to increase the tax exemption from \$50,000.00 to \$75,000.00 for the Jamestown Fire Department and Emergency Medical Services; if favorable, vote to forward to the Rhode Island General Assembly for passage  
Previously addressed.

5) Harbor Management Commission budget; if favorable, vote for adoption  
Previously addressed

6) Request to waive the \$200.00 Ft. Getty Pavilion fee from the Jamestown Fire Department for an event held on July 31, 2005 from 10:00 a.m. to 10:00 p.m.

It was moved by Councilor Long, seconded by Councilor DiGiando to waive the \$200.00 Ft. Getty Pavilion fee for the Jamestown Fire Department. So unanimously voted.

7) Liquefied Natural Gas re: funding for legal challenge (*per Council President Littman*)  
Previously addressed.

8) Town Budgeting/Long Term Planning (*per Councilor Settipane*)

Councilor Settupane stated that he would like to establish long term budget planning for the Town of Jamestown; whereby, the Council would set guidelines and markers to be followed.

- a) Establishment of Budget for Town Facilities – Town Hall & Public Works

The Town Administrator reported that the RFQ for the town hall will have a target or parameter amount of \$2,000,000.00 included in the document, as well as a target for the highway facility of \$1,000,000.00. Any adjustments to those figures would go to the Council for their consideration.

Councilor Settupane suggested that the Council set the figures in a form of a resolution.

- b) Union Contracts – Discussion of hiring Consultant and Negotiations

Councilor Settupane expressed his disappointment in how contract negotiations have been conducted in the past and suggested hiring a consultant to address union bargaining negotiations. Councilor Settupane addressed the co-payment of health benefits and the specific naming of Blue Cross as the provider as some of the issues that must be addressed. Councilor Settupane maintained that contract negotiations should be part of the Town's long range plan. Councilor Settupane requested that he would like to have the Town Administrator review the contracts and provide the Council with a plan for future negotiations and address if it would be necessary to hire a consultant to assist in contract negotiations.

Council President Littman suggested that it is necessary to address some issues in contract negotiations as soon as possible, allowing time for careful consideration of some of the provisions.

It was the consensus of the Council that it would not be necessary to hire a consultant at this time and that the Town Administrator in conjunction with the Town Solicitor would conduct the negotiations.

Councilor Long questioned Councilor Settupane's recollection of some of the issues involved in contract negotiations.

Councilor Settupane requested that the Clerk put on the Board of Water and Sewer Commission agenda the consideration for release of executive session minutes relating to contract negotiations.

Councilor Settupane requested that a resolution such as adopted by the Town of North Kingstown to set a cap on long term spending be put on the agenda for the May 23, 2005.

### **EXECUTIVE SESSION**

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

It was moved by Councilor Long, seconded by Councilor Ferguson to enter into executive session at 10:35 PM pursuant to RIGL 42-46-5 (a) (1) to discuss personnel. It

was voted, Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion passed.

Upon the return of the Council to regular session at 10:59 PM, it was moved by Councilor Long, seconded by Councilor Settipane to seal the minutes of the executive session from the public. It was voted, Councilor DiGiando, aye; Councilor Ferguson, aye; Councilor Long, aye; Councilor Settipane, aye; Council President Littman, aye. The motion passed.

It was moved by Council President Littman, seconded by Councilor Settipane to continue the executive session discussion concerning personnel to the Board of Water and Sewer Commission meeting on May 16, 2005. So unanimously voted.

There being no further business before the Council, it was moved by Councilor Long, seconded by Councilor DiGiando to adjourn the meeting at 11:03 PM. So unanimously voted.

Attest:

Arlene D. Petit  
Town Clerk

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