

TOWN COUNCIL MEETING
July 25, 2005

A regular meeting of the Jamestown Town Council was called to order at the Melrose Avenue School, 76 Melrose Avenue at 7:00 PM by Council President David J. Long. The following members were present:

Julio J. DiGiando, Vice President
William A. Kelly
Michael Schnack
Councilor Szepatowski

also present were:

Thomas P. Tighe, Interim Town Administrator
Arlene D. Petit, Town Clerk
A. Lauriston Parks was present for the 7:00 PM executive session
Frederick W. Brown, Zoning/Building Official
Carolyn Mannis, Assistant Town Solicitor

President Long noted that Larry Parks, Town Solicitor, was present this evening to attend an executive session regarding litigation. President Long requested that the item relating to litigation be moved up on the agenda.

Executive Session

It was moved by President Long, seconded by Councilor DiGiando to enter into executive session at 7:01 PM, pursuant to RIGL 42-46-5 (a) (2) to discuss litigation. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; President Long, aye.

Upon the return of the Council from executive session, it was moved by President Long, seconded by Councilor DiGiando to seal the minutes of the executive session from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; President Long, aye.

A. Lauriston Parks, Town Solicitor left the meeting at 7:20 PM
Frederick W. Brown left the meeting at 7:20 PM.

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS:

- 1) Aquidneck Island Planning Commission:
 - a) Tina Dolen re: Impact on Narragansett Bay by LNG tankers

Tina Dolen, Executive Director of the Aquidneck Island Planning Commission (AIPC), reported that the AIPC is conducting an analysis of the impact of LNG tanker traffic on the Narragansett and Mount Hope Bays from Newport to Fall River, as well as the impact on bridge traffic and security. Ms. Dolen noted that one of the studies will analyze the impact to automobile traffic and emergency vehicles during the temporary closure of the Newport/Pell Bridge and another study will assess the impact to marine traffic, including recreational and commercial activity. Also mentioned was the issue of a security zone for the tankers. That

security zone is two miles across the bow and stern and one-half mile on each side of the tanker. Each municipality would be responsible for the security as the tanker passes by the community.

It was the consensus of the Council to request the scope of work and proposal for the work being conducted by AICP. Ms. Dolen informed the Council that she would provide the information for the next Council meeting on Tuesday, August 9, 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 number 10 be removed from the Consent Agenda.

It was moved by DiGiando, seconded by Councilor Kelly to approve the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) July 11, 2005 regular meeting
 - b) July 11, 2005 executive session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Tree Preservation and Protection Committee (06/24/2005)
 - b) Library Board of Trustees (06/07/2005)
 - c) Harbor Management Committee (06/08/2005, 06/22/2005)
 - d) Jamestown Substance Abuse Prevention Task Force (06/06/2005)
 - e) Water Resource Protection Committee (06/16/2005)
 - f) Board of Canvassers (05/11/2005, 05/16/2005, 06/14/2005)
- 4) CRMC Notices:
 - a) July 2005 *Amended* Calendar
 - b) Cease & Desist Order to James Simmons, 17 Maple Avenue, Jamestown; Plat 9 Lot 16, said location for filling of a freshwater wetland(s)
- 5) State of Rhode Island, Office of the Governor re: Fiscal Fitness Highlights report
- 6) Resolutions and Proclamations from other RI cities and Towns:
 - a) City of Providence re: No. 301 USS Saratoga Museum project
- 7) Environment Council of RI re: Global Warming in Rhode Island
- 8) UnitedHealthcare re: Health insurance
- 9) Newport Chamber of Commerce re: resolution reflecting a position on LNG facilities
- 10)

10) Abatements/Addenda of Taxes

Councilor Schnack requested additional information regarding the addenda to the 2005 tax roll; specifically, clarification on the duplicate registration numbers for Joseph Maraia. The Town Administrator stated that although the registration numbers are the same, the VIN #s show that the taxes are for two different vehicles. The Town Administrator stated that he would provide additional information regarding this issue at the Council meeting on August 9, 2005.

EXECUTIVE SESSION ANNOUNCEMENT

- 1) Pursuant to RIGL 42-46-5 (a) (2) Collective Bargaining
Council President Long announced that there would be an executive session later in the evening to discuss collective bargaining, pursuant to RIGL 42-46-5 (a) (2).
- 2) Pursuant to RIGL 42-46-5 (a) (2) Litigation (*per Town Solicitor Parks*)
Previously addressed.

The Town Administrator requested that the Council move up the discussion relating to the proposed ordinance relating to the tax exemption for the totally disabled.

Unfinished Business

- 1) Property Tax Exemption for the totally disabled
 - a) Proposed ordinance and ballot question

Jonathan Henry, Certified Interpreter, was present for this portion of the meeting.

A statement was made by Gemma A. Guinguing through the certified interpreter, relating to her request for a tax exemption for the deaf. Ms. Guinguing requested that this exemption be equal to the tax exemption provided for the blind.

The Council discussed the newly enacted legislation requested by the Jamestown Town Council whereby the Town Council may, by ordinance, exempt from taxation any real property owned and occupied by any one or more persons who is a domiciled resident of the Town of Jamestown and who is determined to be totally disabled by the Social Security Administration.

In the Council's discussion, it was believed that this legislation, along with a favorable vote at the 2006 Financial Town meeting, and an applicable ordinance would allow for not only a deaf person who has been considered totally disabled but would also cover all residents with a total disability.

It was the consensus of the Council that this item be continued on the Council agenda of August 9, 2005 for continued discussion.

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

- 1) Town Administrator report (verbally presented and attached)

The Town Administrator read the attached report to the Council.

- 2) Town Administrator Search Committee (per Councilor Kelly)
 - a) Charge of committee

Councilor Kelly suggested some additional qualifications be added to the charge for the Town Administrator Search Committee and a budget amount not to exceed \$5,000.00. Following Council discussion, it was determined that because the job qualifications have already been advertised and the Search Committee already instructed on the job requirements, there would be no changes made to the charge at this time.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to authorize the Town Administrator Search Committee to expend an amount not to exceed \$5,000.00. So unanimously voted.

- 3) Farm Acquisition Committee
 - a) Proposed charge as provided by Town Solicitor (*for Council consideration*)

The Council discussed the charge of the Farm Acquisition Committee as drafted by the Town Solicitor. It was the consensus of the Council to amend the charge for the Farm Acquisition Committee and adopt it as follows:

Farm Acquisition Committee Charge

The responsibilities of the Farm Acquisition Committee are to represent the Jamestown Town Council in discussions and negotiations concerning the protection of farmland in Jamestown. Participate in a manner which makes it clear that positions and decisions are subject to the final decision by the Council. Inform the Town Council in a timely manner of matters discussed and positions taken by other parties so as to facilitate the Town Council in giving direction and making required decisions. Endeavor to maximize the long term benefits to the Town's taxpayers, doing so at a reasonable financial cost. Articulate the benefits and costs of protecting the subject lands and to involve interested groups and individuals as appropriate.

Committee members shall serve for an initial term of one (1) year, at which time the committee will be reviewed by the Town Council and, if necessary, be renewed with staggered terms for committee members.

The Town Clerk was instructed to inform the committee of the charge and request that the members report to the Town Council on August 22, 2005 for an informational update.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

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

Open Forum

Non-Scheduled:

Daniel Capuano, East Shore Road, requested that the Council give some consideration to dedicating open space for a Jamestown Boy Scout campground.

Ann Lane, East Shore Road, read a statement regarding the destruction of property and the danger to the health of the residents caused by the severity of the overpopulation of the deer heard in Jamestown.

Rolph Knudson, East Shore Road, read an article regarding deer overpopulation and the need to reduce the population by hunters.

Richard Ventrone, Nautilus Street, expressed his concern on the use of bow and arrow as a method of deer control. Mr. Ventrone suggested only shotguns be used by hunters.

Jeffrey Kelly, East Shore Road, invited the Council to view the destruction of property at the northern part of the island.

Dan Capuano, suggested that we be careful when controlling deer as it brings about another problem such as coyote.

Nancy Crawford, Mast Street, stated that the Humane Society did a comprehensive study on the deer problem and suggested that the Town needs a Wildlife Committee to come up with a solution for the problem.

Dennis Webster, Mt. Hope Avenue, suggested that there was a possibility that the Conanicut Battery would be a place for Boy Scout campouts.

Scheduled:

Representative Bruce Long provided the Council with a legislative update.

COMMUNICATIONS AND PETITIONS

1) Letter from Eric C. Swain, UnitedHealthcare re: healthcare benefits
It was moved by Council President Long, seconded by Councilor DiGiando to accept the communication from Eric C. Swain, United Healthcare. So unanimously voted.

2) Letter from Anita Godena re: Gemma Guinguing
It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the letter from Anita Godena. So unanimously voted.

3) Letter from Michael L. Lapisky re: deer

It was the consensus of the Council to request that a representative from RIDEM be invited to attend a Council meeting to further discuss the report entitled "Updated Estimates of the Jamestown Deer Herd and Projections of Population Growth with and without hunting".

- 4) Letter from Kenneth M. Bianchi, RI Turnpike & Bridge Authority re: July 19th power outage

It was moved by Council President Long, seconded by Councilor Szepatowski to accept the letter from Kenneth M. Bianchi, RI Turnpike & Bridge Authority. So unanimously voted.

- 5) Letter from Louis Cirillo, Town of Bristol Town Clerk re: invitation to the Council to attend a summit and participation in regards to LNG facilities

It was moved by Council President Long, seconded by Councilor DiGiando to accept the communication from Louis Cirillo, Town of Bristol Town Clerk. So unanimously voted.

- 6) Letter from Mike Mesolella, RI Resource Recovery Corp. re: 20% recycling rate

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the letter from Mike Mesolella, RI Resource Recovery Corp. 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) Exhibition/Event Applications:
 - a) **Amended** Application of BJ Whitehouse, Fireworks Committee, to hold a fireworks display at Mackerel Cove Beach on Saturday, August 13, 2005 from 3:00 – 10:00 p.m. *insurance form attached*
 - i) Hold Harmless Agreement
 - ii) Memorandum from the Town Clerk

Upon the recommendation of the Town Administrator, it was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the change in location and date of the fireworks display to August 13, 2005 from 3:00 p.m. to 10:00 p.m. at Mackerel Cove Beach. So unanimously voted.

- b) Application of William Fiske, FIRM (Fiske Independent Race Management) to hold a Triathlon on August 21, 2005 from Ft. Getty to Beavertail Road to Southwest Avenue to Hamilton Avenue to Highland Drive and to Walcott Avenue from 5:00 a.m. to Noon. *Insurance certificate not attached*
 - i) Hold Harmless Agreement (not signed)

Caren Cotoia, Development Director at Hendricken, informed the Council that a portion of the money raised from this triathlon would be given to the Jamestown Teen Center.

The Town Administrator informed the Council that this event has been reviewed and recommended for approval by Chief of Police, William Donovan.

The Council discussed the need to analyze the cost to the Town for non-municipal events that would require the services of the Jamestown Police, Emergency Services and other municipal department assistance.

It was moved by Councilor DiGiando, seconded by Councilor Kelly to approve the license for Fiske Independent Race Management (FIRM) to hold a Triathlon on August 21, 2005 from Ft. Getty to Beavertail Road to Southwest Avenue to Hamilton Avenue to Highland Drive and to Walcott Avenue from 5:00 a.m. to Noon. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: Legislative Update
Previously addressed.
- 2) Non-scheduled request to address
Previously addressed.

APPOINTMENTS AND RESIGNATIONS

- 1) Letter of resignation from Cliff Largess from the Tax Assessment Board of Review
 - a) One (1) vacancy exists on the Tax Assessment Board of Review;
(*advertised week of July 11, 2005*)

The Council recognized the length of service given to the community by Cliff Largess and requested that a letter of recognition be forwarded to Mr. Largess. President Long offered to assist in the preparation of a letter.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the letter of resignation from Cliff Largess from the Tax Assessment Board of Review. So unanimously voted.

UNFINISHED BUSINESS (cont. from 07/11/2005)

- 1) Property Tax Exemption for the totally disabled
 - a) Proposed ordinance and ballot question
Previously addressed.

2) Proposed Noise Ordinance
Assistant Town Solicitor, Carolyn Mannis explained the importance of passing a noise ordinance that would be constitutionally sound and legally defensible in court. Ms. Mannis stated that the proposed ordinance was drafted with the above criteria in mind.

Councilor Szepatowski requested additional information regarding how transition zones (commercial / residential zone) would be controlled and where the sound would be measured from in a transition zone.

It was the consensus of the Council to hold a work session in September with Assistant Town Solicitor Mannis to further discuss the proposed noise ordinance so as to determine if there is a need to proceed to a hearing.

3) Proposed Ordinance pertaining to roads and rights-of-way alterations
The Assistant Town Solicitor noted that it was her understanding that this should be forwarded to the Planning Board for review. Council President Long suggested that this be kept on the agenda for further discussion by Town Solicitor Harsch and the Public Works Director.

4) Proposed ordinance re: control of fire burning
The Town Administrator reported that the proposed ordinance is presently being reviewed and requested that it be continued to the August 9, 2005 Town Council meeting.

NEW BUSINESS

1) Bid Award:

- a) Pick-up truck: award bid to Colony Ford in an amount not to exceed \$27,800.00 and the option for a snow plow not to exceed \$3,860.00

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to approve the award of bid to Colony Ford for a pick-up truck in an amount not to exceed \$27,800.00 and the option for a snow plow in an amount not to exceed \$3,860.00. So unanimously voted.

- b) Dump truck: award bid to Colony Ford for an amount not to exceed \$68,543.00

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to award the bid to Colony Ford for a dump truck for an amount not to exceed \$68,543.00. So unanimously voted.

- c) Road oil & chip seal: award bid to Dosch King Co., Inc. for CRS-2L applied in an amount not to exceed \$1.74 per gallon and in an amount not to exceed \$175.00 per hour for computerized chip spreader with operator

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to award the bid for road oil and chip seal to Dosch King Co., Inc. for an amount not to exceed \$1.74 per gallon of CRS-2L, applied and \$175.00 per hour for computerized chip spreader with operator. So unanimously voted.

- d) Asphalt paving: award bid to Cardi Corporation for Bituminous Asphalt Surface Course in an amount not to exceed \$42.92 per ton and Bituminous Asphalt Binder for an amount not to exceed \$40.92 per ton.

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to award the bid for asphalt paving to Cardi Corporation for an amount not to exceed \$42.92 (\$40.92 was the bid amount – listed incorrectly on the agenda) per ton for bituminous asphalt surface course and \$40.92 per ton. So unanimously voted.

- e) Above ground storage tank: award bid to Gill Services, Inc. for an amount not to exceed \$25,900.00

At the request of the Town Administrator, the bid for the above ground storage tank was continued to the August 9, 2005 Town Council meeting.

2) Establishment of a Wildlife Committee (per Councilor DiGiando)

The Council discussed their concerns with the growing number of deer on the island and the problems caused by this over abundance. It was determined by the Council that efforts must begin in order to better manage the issue of deer over abundance. Another concern discussed was the control of the coyote population on the island.

The Council discussed the makeup of a Wildlife Committee and a proposed charge for that committee. It was believed that there would be a need for representatives from the Conservation Commission, Humane Society, Tree Committee, Hunting Community and two at-large community members. This committee would research data and steps taken by other similar communities and present options available for the management of wildlife in Jamestown. There was also Council discussion on the possibility of including issues relating to domestic and farm animals.

Establishment of a Wildlife Committee was continued to the August 9, 2005 Council meeting.

3) Solid Waste and Recycling Services Agreement with letter from Joseph J. Judge, RI Resource Recovery Corp., *(if favorable, for Council approval)*

It was moved by Councilor Kelly, seconded by Councilor Schnack to move forward with the Solid Waste and Recycling Services Agreement as presented. So unanimously voted.

4) Invoice from Narragansett Electric re: WR 125468, Jamestown Sewer Pump Station, Bayview Drive; *(for Council recommendation)*

a) Response letter to Narragansett Electric *(for Council approval and signature of Council President)*

The Council discussed the recently received \$10,265.00 invoice from the Narragansett Electric for an upgraded electric service connection for the Town's sewer pump station located on Bayview Drive. The Town Administrator noted that the Town has not previously been billed for this type of an upgrade and suggested that the Council forward the response letter requesting that this invoice be rescinded.

It was moved by Councilor Schnack, seconded by Council President Long to approve the response letter to Narragansett Electric and forward it to the Vice President of Business Development. So unanimously voted.

5) NAGE contract *(if favorable; Council to ratify)*

No action taken prior to the executive session.

EXECUTIVE SESSION

It was moved by Council President Long, seconded by Councilor DiGiando to enter into executive session at 9:30 p.m., pursuant to RIGL 42-46-5 (a) (2) to discuss collective bargaining.

It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Szepatowski, aye; Councilor Schnack, aye; Council President Long, aye. The motion carried with all in favor.

Upon the Council's return from executive session at 9:40 p.m., it was moved by Council President Long, seconded by Councilor DiGiando to seal the minutes of the executive session from the public. It was voted, Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Szepatowski, aye; Councilor Schnack, aye; Council President Long, aye. The motion carried with all in favor.

It was moved by Council President Long, seconded by Councilor DiGiando to instruct the Town Solicitor to move forward with the litigation as directed by the Town Council. So unanimously voted.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to follow through with contract negotiations as approved by the Town Council. So unanimously voted.

There being no further business before the Council, it was moved by Council President Long, seconded by Councilor Schnack to adjourn the meeting at 9:45 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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