

TOWN COUNCIL MEETING
September 12, 2005

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Philomenian Library, 26 North Road at 7:00 PM by Council President David J. Long.

The following members were present:

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

also present:

Thomas P. Tighe, Interim Town Administrator
Arlene D. Petit, Town Clerk
J. William W. Harsch, Town Solicitor
Steven J. Goslee, Public Works Director
Lisa Bryer, Town Planner

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS:

- 1) Proclamation No. 05-017P re: Island Rubbish

It was moved by Councilor DiGiando, seconded by Councilor Kelly to adopt Proclamation No. 05-017P honoring Island Rubbish for their outstanding contributions in the recycling program, which enabled the Town of Jamestown to receive a grant in the amount of \$145,000. So unanimously voted.

Councilor Kelly acknowledged the efforts of Island Rubbish in participating in the Mandatory Recycling Program and assisting the Town in achieving a recycling rate of 22 percent. By reaching a recycling rate of 20 percent or higher, the Town was awarded a grant in the amount of \$11,145.00 to be used to enhance and promote recycling in Jamestown. Michael Tiexiera and Stephen Tiexiera received the proclamation for Island Rubbish.

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.

Councilor DiGiando suggested that item 8 (b) from the City of Providence regarding the community's effort to get clean renewable energy should be reviewed at a later date.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to approve the Consent Agenda as presented. So unanimously voted.

The Consent Agenda consisted of the following:

Town Council Meeting 09/12/2005

- 1) Adoption of Council minutes:
 - a) August 22, 2005 regular meeting
 - b) August 22, 2005 executive session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (07/26/2005)
 - b) Tree Preservation and Protection Committee (07/28/2005)
 - c) Jamestown Substance Abuse Prevention Task Force (07/13/2005)
- 4) CRMC Notices:
 - a) September 2005 Calendar
 - b) Cease & Desist Order to Robert Knudsen, 290 Seaside Drive re: Plat 15 Lot 371; said property for dumping of vegetation debris on a coastal feature
- 5) DEM Notices:
 - a) Letter to David Thurston, 181 Lloyd Road, Saunderstown re: application No. 02-0459 notice of denial in reference to property location on Seaside Drive.
 - b) Public Notice of proposed permit actions under the RI Pollutant Discharge Elimination System (RIPDES) Program
- 6) RIDOT notice re: Sakonnet River Bridge No. 250 Replacement
- 7) Zoning Board of Review abutter notification:
 - 1) Application of Alfred Bingell, re: 5 Fowler St., Plat 8, Lot 487 for a variance from Article 3, Section 3-2, (District Dimensional Regulations) to construct a new front porch & side stairs 16 ft. from the front lot line instead of the required 30 ft., 3'-4" from the left side lot line instead of the required 7 ft. and bringing the total coverage of the lot by building/structure to 38.4% instead of the required 30%. Said property is located in a CL zone and contains 4,000 sq. ft. (Town property located at Plat 8 Lot 440)
 - 2) Application of Stamatis Reves, whose property is located at Seaside Dr., Plat 16, Lot 232 for a variance from Section 82-308 (Setback from Freshwater Wetlands) to construct an individual disposal system (ISDS) which will be 125' from a wetland, (150' being the requirement) and a special exception from Section 82-314 (High Groundwater Table and Impervious Layer Overlay District) for development within Sub district A. Said property is located in a R40 zone and contains 14,962 sq. ft. (Town property located at Plat 16 Lots 248, 262, 261 & 260)
 - 3) Application of Paula & Davey Bakhshi, (Antonio F. Pensa et, owner), 409 East Shore Rd., Plat 4, Lot 26 for a variance from Article 3, Section 3-2 (District Dimensional Regulations) to preserve the cottage as an accessory building to a new dwelling, said cottage being 26' from the front lot line wherein 40' is required. Said property is located in a RR80 zone and contains 2.49 acres. (Town property located at Plat 4 Lot 12)
- 8) Proclamations & Resolutions from other Rhode Island cities and towns

- a) Town of East Greenwich re: resolution opposing the power of eminent domain
- b) City of Providence
 - a) Resolution opposing the power of eminent domain
 - b) Letter re: the use of clean and renewable energy
- 9) Abatements/Addenda of Taxes

EXECUTIVE SESSION ANNOUNCEMENT

Council President Long announced that the Council would meet earlier in the meeting in executive session pursuant to RIGL 42-46-5 (a) (2) to discuss potential litigation.

Councilor President Long announced that the Council would meet towards the end of the meeting in executive session pursuant to RIGL 42-46-5 (a) (5) to discuss Lease negotiations.

- 1) Pursuant to RIGL 42-46-5 (a) (5) Lease negotiations
- 2) Pursuant to RIGL 42-46-5 (a) (2) Potential litigation (Per Council President Long)

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

- 1) Town Administrator (verbal)

The Town Administrator reported the following information:

- Event/Exhibition license and rate schedule are being finalized For Council review
- Cedar Lane property, designated for open space, will be closing on September 30, 2005
- Town Emergency Management Team recently met to review emergency preparation
- Plans are being made for an auction of surplus Town equipment
- The Town Administrator will be attending a meeting with RIDOT on September 13 regarding the removal of the old Jamestown Bridge

The Town Administrator reported that the Event/Exhibition license and rate schedule will not be in effect prior to the Rotary Club Bicycle Race.

- 2) Town Clerk
 - a) Memorandum re: Jamestown School Committee Work Session

The Town Clerk announced that a work session with the Jamestown School Committee is scheduled for Thursday, October 6, 2005 at the Jamestown Melrose Avenue School at 7:00 PM.

- b) Memorandum re: Traffic Commission

The Town Administrator recommended appointing the Town Engineer to the Traffic Commission in place of the Town Planner, as most highway issues involve the Town Engineer.

It was moved by Councilor Szepatowski, seconded by Councilor DiGiando to accept the recommendation of the Town Administrator and replace the Town Planner with the Town Engineer on the Traffic Commission. So unanimously voted.

- c) Notices:
 - i) Town Council Work Session, September 15, 2005 re: overpopulation of deer
 - ii) Town Council agenda re: Change in deadline

No action taken.

- 3) Affordable Housing Committee
 - a) Memorandum re: Beavertail Lighthouse keeper

Council President Long noted that the memorandum from the Affordable Housing Committee will be discussed later in the meeting. There was no action taken at this time.

- 4) Conservation Commission
 - a) Memorandum re: Island Deer Management

It was moved by Councilor DiGiando, seconded by Councilor Schnack to accept the memorandum from the Conservation Commission regarding the island deer management. So unanimously voted.

- 5) Fire Chief re: recommendations for changes to the proposed burning ordinance

It was noted by Council President Long that the recommendations by the Fire Chief will be considered at the Public Hearing.

PUBLIC HEARING

- 1) Proposed amendment to Section 26-20 of the Code of Ordinance pertaining to open burning (duly advertised)

Council President Long opened the public hearing and invited public comment.

Donna Perry, Seaside Drive asked who will be responsible for the management of the proposed burning ordinance. Mr. Perry suggested that abutting property owners should be notified when a permit has been issued and that there should be a process to grieve the issuance of a permit. Ms. Perry also suggested that the landowner must show proof of liability prior to the issuance of a burning permit. Ms. Perry stated that she is not in favor of any residential burning

The Town Solicitor replied that the Police Department would determine the proper action to be taken. That action may be to call the Fire Marshal or the Fire Chief. Mr. Harsch also stated that abutter notification and proof of liability could be part of the permit.

John Baldwin, Wright Lane, referred to section (d)- Inspections and inquired if the permit which costs \$25.00 applies to only one burn, meaning that it would cover only what is in the pile at the time of lighting the fire. Mr. Baldwin also referred to section (n) Penalties

and noted that it states there will be no initial permit fee for a bonfire or kindling fire for property owners and that he felt it was in contradiction to sections (f) and (a).

Fred Pease, Maple Avenue, asked if it was still permissible to have an outdoor cooking fire from 50' away. Additionally, Mr. Pease asked what the definition of a kindling fire is.

Councilor DiGiando responded that the ordinance states that recreational fires of less than 2' in diameter in designated areas are exempt. Councilor Szepatowski pointed out that section (k) states no person shall kindle a fire upon land of any type without a written permit.... Therefore, it would not be allowed.

Fred Pease stated that it would not be feasible to stop cooking fires at Fort Getty. Mr. Pease addressed section (l) which refers to outside grills of any type being prohibited on any balcony or under any overhanging portion of a structure.

Donna Perry added that a proper container must be used and safety conditions must be followed.

The Council discussed comments made by the residents as well as the difficulty they were having with conflicting sections of the proposed ordinance.

Council President Long suggested that the Town Solicitor and Fire Chief need to review the proposed ordinance for any needed changes.

The Town Solicitor stated that the Council may take into account the public comments and whatever decisions there are from the Council as to changes that they would like to see made in the ordinance. The hearing would be closed and the changes made for Council adoption of the proposed ordinance. If there are not substantial changes in the draft it could be adopted with those changes. If there are substantial changes then the proposed ordinance would be advertised for another public hearing.

Council President Long recapped specific changes to be made to the proposed ordinance:

- Who will oversee the procedure and process?
- A section to address grievances should be considered.
- Section (k) does not allow for a small campfire in the backyard.
- Proof of liability insurance is needed.
- Outdoor cooking on balconies should be reconsidered or redefined.

Councilor Schnack stated that he expected this ordinance would deal directly with the outside burning of brush and garbage fires and not for the purpose of legislating small campfires and barbeques on private property.

Councilor Kelly asked if any consideration is made for a fire contained in the new urn type containers of a diameter of more than 2'.

The Town Solicitor noted that the original purpose of the proposed ordinance was to do as little changing to the existing language as possible in order to get the discussion focused. There are some disagreements regarding small recreational fires on private property that should be addressed. The amendments were to be made to control brush fires and waste fires and not for limited recreational or social purposes. The Council can focus on brush fires, nuisance fires, yard waste and trash debris or can add the regulation of recreational fires to the ordinance. Some of the recreational campfires could be exempted in the proposed ordinance.

It was the consensus of the Council to stay with the original purpose for the proposed ordinance; that which would regulate the disposal of refuse such as brush and debris.

Councilor President Long announced that the public hearing would be continued to the next Town Council meeting on September 26, 2005.

Council President Long requested that several items be moved up on the agenda.

New Business

- 5) Sewer Pump Station Rehabilitation Project
 - a) Work order change; request to authorize Town Administrator and Director of Public Works to sign work order changes up to \$25,000.00
 - b) Request for approval of change order in an amount not to exceed \$24,273.15

The Public Works Director Steven Goslee reported that he is requesting a change order for the sewer pump rehabilitation project in an amount not to exceed \$24,273.15. This change does not increase the scope of the project, but is required to ensure that the project proceeds with the unexpected and necessary changes. Mr. Goslee explained that the original contract was for \$1,700,000.00 but was reduced by \$400,000.00 by salvaging some of the materials, the cost was again adjusted by a change order in the amount of \$210,000.00 to take care of the items that were not salvageable. The job is in the final stages of completion and this change order is for changes necessary to keep the job moving. Mr. Goslee stated that he expects there would be one more change order to complete the project which would be for less than \$20,000.00.

Mr. Goslee answered questions and ensured the Council that there was not a change in the scope of work.

The Council discussed the request by the Public Works Director requesting that the Town Administrator and he be allowed to authorize work order changes in an amount not to exceed \$20,000.00. Mr. Goslee said that it would be cost effective, especially when these change orders do not alter the scope of work already approved by the Town Council. Mr. Goslee stated that delays in approval of change orders can sometimes be very costly to the Town.

The Council requested that Mr. Goslee consider a lesser amount than the \$20,000.00 requested. Mr. Goslee suggested that \$8,000.00 would be adequate if he could be assured the Council would meet within a two-day timeframe to consider larger dollar amounts.

It was moved by Councilor DiGiando, seconded by Council President Long to approve the request for approval of change order in an amount not to exceed \$24,273.15. So unanimously voted.

It was moved by Councilor DiGiando, seconded by Councilor Schnack to authorize the Town Administrator and the Director of Public works to sign work order changes up to \$20,000.00. So unanimously voted.

- 4) Ft. Getty Land Use Plan
 - a) Memorandum from the Town Planner re: award of bid to Donald Sharp, Inc. for an amount not to exceed \$22,500.00

Upon the proper procedure being followed for the procurement of goods and services and the recommendation of the Town Planner, it was moved by Councilor DiGiando, seconded by Councilor Szepatowski to award the bid to Donald Sharp, Inc. for the preparation of the Fort Getty Land Use Plan in an amount not to exceed \$22,500.00. So unanimously voted.

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

Open Forum

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

Not present.

- b) RE: Jamestown Landfill/Transfer Station documentation
 - i) Rosemary Woodside
 - ii) Ellen Winsor
 - iii) Susan Little
 - iv) Ray Iannetta

The residents, as listed above, presented a rebuttal to GZA letter, file no. 32220.00, dated July 8, 2005 regarding June 14, 2005 presentation to RIDEM by MACTEC / North End Concerned Citizens. Each section of the report was read, with a summary of comments as follows:

- water quality standards misquoted
- site investigation is inadequate
- many errors in data and calculations
- insufficient monitoring well network

The group of above-mentioned individuals requested that the Council close the landfill properly and correctly monitor the area in accordance with state and federal requirements. Further stating that it is the duty of the town of Jamestown to establish a Plan "B".

2) Non-scheduled request to address
Craig Amerigan, Narragansett Avenue, stated that in 1999 the Town hired experts to evaluate the former landfill and proceed with their recommended closure and siting of the highway facility.

Dennis Webster, Mt. Hope Avenue, reminded the Council that GZA Environmental remarked in a former presentation that the Jamestown landfill was the cleanest one they had ever seen. Mr. Webster indicated that the Council may be considering more work than recommended by GZA in closing the landfill, the taxpayers may not want to enter into a voluntary expenditure to fund this additional work. Additionally, Mr. Webster thought that any landfill closure plan that does not include a highway barn solution might not be approved by the taxpayers.

Ellen Winsor, East Shore Road, stated that RIDEM and the Governor are overseeing the issues on the landfill; otherwise, it would be in the hands of the EPA. The landfill is a CERCLIS (Comprehensive Environmental Response Compensation and Liability Information Systems) site with the EPA and part of the Super Fund program. Ms. Winsor reviewed the purpose of CERCLIS and the Super Fund Program. Ms. Winsor suggested that anyone can go to the EPA site and read the documents. Ms. Winsor repeated the requests of the North End Citizens Group.

Mary Webster, Mt. Hope Avenue, indicated that the water quality test report done on the Willis' property for the purpose of a subdivision came out fine. Ms. Webster mentioned that the property was sold for over \$1,000,000.00.

Richard Ventrone, Nautilus Street, noted that the landfill will be capped to make it a safer place and that there is no correlation between the highway facility being sited there and the concerns that have been mentioned.

Raymond Iannetta, North Main Road stated that the information that was presented is engineering reports sent to RIDEM and it contradicts other reports.

Rosemary Woodside, Skysail Court, inquired if the Humane Society has been invited to the Council work session on September 15, 2005.

Council President Long announced that the work session on September 15 was to review a report by the Division of Fish and Wildlife relating to the population of deer in the Town of Jamestown.

Appointments and Resignations

- 1) Planning Commission
 - a) One (1) vacancy, term ending December 31, 2007; duly advertised and interviews complete. If favorable:
 - i. Letter of Interest:
 - Richard Ventrone
 - Michael G. White

- Debra A. D'Agostino

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to appoint Richard Ventrone to the Planning Commission with a term ending December 31, 2007. So unanimously voted.

Executive Session

It was moved by Council President Long, seconded by Councilor Schnack to enter into executive session at 8:37 PM, pursuant to RIGL 42-46-5 (a) (2) to discuss potential litigation. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

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

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Aquidneck Island Planning Commission re: LNG tanker traffic

It was moved by Council President Long, seconded by Councilor DiGiando to accept the report from Aquidneck Island Planning Commission. So unanimously voted.

- 2) Lyme Disease Related Disorders pamphlet

It was moved by Council President Long, seconded by Councilor DiGiando to accept the Lyme Disease Related Disorders pamphlet. So unanimously voted.

- 3) RIDEM letter from Michael L. Lapisky, Acting Chief re: Jamestown Humane Association's survey

It was moved by Councilor DiGiando, seconded by Councilor Szepatowski to accept the letter from RIDEM Acting Chief Michael L. Lapisky. So unanimously voted.

- 4) Letter from Anne Lane re: Deer population

It was moved by Councilor Schnack, seconded by Councilor Szepatowski to accept the letter from Anne Lane. So unanimously voted.

It was the consensus of the Town Council to refer the letter from Anne Lane to the Wildlife Committee.

- 5) Letter from David and Jeanne Albrektson re: Zoning variance

Councilor DiGiando reviewed the letter from David and Jeanne Albrektson and asked the Town Solicitor if there was any action to be taken. Mr. Harsch recommended that the issue be referred to the Town Administrator to provide an analysis of the situation for the Council's review at the next Council meeting on September 26, 2005.

Councilor President Long requested that the Town Solicitor also review the situation and added that the Town of Jamestown has been proactive over the last three or four years to address these problems, specifically in the Shores where RIDEM has the final say over ISDS, without any consideration of the issues in that area.

It was moved by Councilor Long, seconded by Councilor DiGiando to accept the letter from David and Jeanne Albrektson. 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.

None

OPEN FORUM

- 1) Scheduled request to address
 - a) Representative Bruce Long re: Legislative Update
 - b) RE: Jamestown Landfill/Transfer Station documentation
 - i) Rosemary Woodside
 - ii) Ellen Winsor
 - iii) Susan Little
 - iv) Ray Iannetta

Previously addressed.

- 2) Non-scheduled request to address
- Previously addressed.

APPOINTMENTS AND RESIGNATIONS

- 1) Planning Commission
 - a) One (1) vacancy, term ending December 31, 2007; duly advertised and interviews complete. If favorable:
 - ii. Letter of Interest:
 - Richard Ventrone
 - Michael G. White
 - Debra A. D'Agostino

Previously addressed.

UNFINISHED BUSINESS

- 1) Rate Schedule for Events/Exhibitions in the Town of Jamestown (cont. from 08/22/2005)

The Town Administrator informed the Council that he was still working on preparing a rate schedule.

It was the consensus of the Council that this would be continued to the next Council meeting on September 26, 2005.

- 2) Beavertail Lighthouse Lease
 - a) Terms of lease
 - b) Potential new tenant

Councilor DiGiando noted that the lease for the Beavertail Lighthouse keeper will expire in October. Councilor DiGiando stated that if the current lease does not have a renewable clause in it the Council should advertise for that position. Councilor DiGiando also noted that the Council has received communications from the Affordable Housing Committee requesting that the Council continue to try and make the Beavertail Lighthouse keeper's residence part of the Town's affordable housing.

Council President Long stated that he was in agreement with Councilor DiGiando; however, we must consider the necessary mechanical skills of the lessee to maintain the property. Council President Long noted that there was a score sheet to assess those skills and rate the applicant's ability to maintain the property. If there was a potential lessee that fit into the affordable housing criteria and also had the skills needed, they would be considered.

The Town Solicitor advised that the lease as written had the ability to be renewed at the discretion of the Council.

The Council discussed their concerns with the ability of the present tenant finding another living arrangement within the next month or so and the ability to find another tenant within that timeframe.

The Town Planner was asked for the previous criteria used for selection of a tenant at the lighthouse. Ms. Bryer noted that the Affordable Housing Committee is requesting that the tenant meet all the criteria to maintain the property and if their income qualified them as affordable housing candidates the Council would take that into consideration as well and move them to the top of the list. In answer to a question by Councilor Schnack, the Town Planner reported that the lighthouse is not and has never been considered part of the affordable housing stock in the Affordable Housing Plan.

The Council asked that the following information be provided to them at the next Council meeting on September 26, 2005:

- Town Solicitor to review lease and review the action of the Council when renewing the lease and report back to the Council.
- Town Administrator to provide the Council with a tenant history of the lighthouse.
- Mr. Shutt, present tenant, to provide costs to live in the Lighthouse.

Varoujan Karentz, representing the Beavertail Lighthouse Museum Association, read a statement to the Council indicating that in preparation for the Beavertail property being excessed by the US Government in the near future, the site and or buildings cannot be used as affordable housing. It would not preclude an affordable housing candidate from being contracted as a custodian, but not under the umbrella of affordable housing. The Beavertail Lighthouse Museum Association recommends that the Council retain the present custodian, but change the lease period to one year rather than three years.

- 3) Proposed LNG facility in Providence and Fall River (cont. from 08/22/2005)
 - a) Attorney General's request for \$25,000.00 from Jamestown to be used for legal fees for opposition of Weaver's Cove (Fall River) site
 - b) Amicus Brief as presented by RI Attorney General, Patrick Lynch

Council President Long reviewed the request from the Attorney General to the Jamestown Town Council to support the AMICUS Brief. The Council understood that the Attorney General was preparing an AMICUS Brief and if able, the Council was asked to contribute financially; any funds would be turned over to the Attorney General and be pooled with funding from other cities and towns in Rhode Island to draft this brief. Council President Long stated that it now appears that if we want our name on the brief, we would be involved with the hiring of a Washington, DC attorney. Council President Long stated that this conflicts with the Town's strict bidding process for hiring professional services. We would be billed by a Washington, DC firm for legal services. Council President Long requested that the Town Solicitor present information forwarded to him from Town Solicitor Parks.

Town Solicitor Harsch stated that Mr. Parks did make comment as to the proposed submittal to Federal Energy Regulatory Commission (FERC) and part of the comment from Mr. Parks is to the effect that this Town is not only bound by State law but is bound by its own ordinances and a policy statement adopted by the Council as to how public bidding is to be done, including professional services. There is an expressed RFQ process that should be followed. Mr. Parks believed that the Attorney General was to submit the document and that the Attorney General was being represented by Counsel. The Town was simply being asked to contribute as previously indicated. The Town is now being asked to enter into a direct relationship with Washington counsel and the Town would be billed directly by that Washington attorney.

Mr. Harsch pointed out that the agenda has not properly noticed the current situation but is still referring to the request by the Attorney General for \$25,000.00 to be used for legal fees for the opposition of Weaver's Cove site, which is not what is before the Council this evening.

The Council discussed the Resolutions that they have already forwarded to the General Assembly strongly opposing the expansion and siting of LNG facilities.

It was moved by Councilor Schnack, seconded by Councilor DiGiando to decline the Attorney General's request for \$25,000.00 from Jamestown to be used for legal fees and to decline Jamestown's participation in the AMICUS Brief as presented by the Attorney General.

Councilor Kelly stated that he felt it should be made clear that the Council was told that the brief was to be prepared by the Attorney General, now we find out that it was prepared by a Washington law firm that we have no knowledge of and cannot use because it does not allow for the Town of Jamestown to go through the request for qualifications that must be followed.

So unanimously voted.

It was moved by Councilor Schnack, seconded by Council President Long to request the Town Administrator or Clerk to add to a future Council agenda, at the President's pleasure, a discussion of what actions the Town Council can take to express our disapproval of the LNG siting either in Providence or Fall River.

It was moved by Councilor Schnack, seconded by Council President Long to amend the motion to ensure that the Council will be allowed to take action on ways to express the Council's disapproval of the LNG siting. The amended motion was unanimously voted.

- 4) Exhibition/Event License (cont. from 08/15/2005)
 - a) Application of Nick Morenzi of the Jamestown Rotary Club to hold the annual Columbus Day Bicycle Race on October 10, 2005 from 7:00 a.m. to 4:30 p.m. Insurance form attached, *race route is not attached*
 - i) Hold Harmless Agreement (not signed)
 - ii) Memorandum from the Director of Parks & Recreation re: road race

The Town Administrator informed the Council that we have still not received the race route nor have we received the Hold Harmless Agreement from the race committee. Additionally the Town Administrator referred the Council to the concerns of the Director of Parks & Recreation.

The Council discussed the need for the race committee to meet with Department Directors in order to coordinate this event and to meet the recommendations and needs of the Town Officials.

Nick Morenzi, Club President delivered the road race route and received the Hold Harmless Agreement for signature.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the Event License for the Jamestown Rotary Club to hold the annual Columbus Day Bicycle Race on October 10, 2005 from 7:00 AM to 4:30 PM, subject to the Hold Harmless Agreement being signed and returned to the Town Administrator and approval of the race route by the Town Administrator and Police Chief. So unanimously voted.

NEW BUSINESS

- 1) LNG facilities re: appointment of a Town Council liaison

It was moved by Councilor Kelly, seconded by Councilor DiGiando to appoint Councilor Szepatowski as the Council liaison for issues relating to the LNG facilities. So unanimously voted.

The Town Clerk was instructed to notify the appropriate State and local municipalities.

- 2) Jamestown Emergency Medical Services (JEMS)
 - a) Terms and conditions of the incentive plan; if appropriate, for Council adoption

The Town Administrator reported that there is still some confusion as to the language in Draft #11. This draft was adopted in concept by the Council, leaving several issues to be further discussed and included in a Memorandum of Understanding. Among the issues left to be discussed was the compensation in lieu of tax abatement for non-property owners.

It was the consensus of the Council that they were not in agreement with the non-property owners receiving compensation in lieu of tax abatement.

The Town Solicitor noted that Draft #11 was approved in concept and Draft #14 is presently being looked at. There are many misunderstandings and loose ends.

It was the consensus of the Council that Council Liaison DiGiando, Town Administrator, Town Solicitor, JEMS representative Clem Napolitano, and if necessary, the Fire Chief continue to discuss the JEMS terms and conditions of the incentive agreement.

- 3) Electrical Power needs for Jamestown
 - a) Letters relating to prior proposal for power line in the East Passage of Narragansett Bay

It was moved by Council President Long, seconded by Councilor Kelly to accept the communication relating to prior proposal for power line in the west (corrected) passage. So unanimously voted.

- 4) Ft. Getty Land Use Plan
 - a) Memorandum from the Town Planner re: award of bid to Donald Sharp, Inc. for an amount not to exceed \$22,500.00

Previously addressed.

- 5) Sewer Pump Station Rehabilitation Project
 - a) Work order change; request to authorize Town Administrator and Director of Public Works to sign work order changes up to \$25,000.00

Previously addressed.

- b) Request for approval of change order in an amount not to exceed \$24,273.15

Previously addressed.

Councilor Kelly asked to address the Council on an emergency health issue. Councilor Kelly informed the Council that due to health issues he may not be able to attend some future Council meetings.

EXECUTIVE SESSION ANNOUNCEMENT

It was moved by Councilor President Long, seconded by Councilor Schnack to enter into executive session at 10:24 PM pursuant to RIGL 42-46-5 (a) (5) to discuss Lease negotiations. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

Upon the return of the Council to the regular meeting at 10:39 PM, it was moved by Councilor DiGiando, seconded by Councilor Schnack to seal the minutes to the public. The vote was Councilor DiGiando, aye; Councilor Kelly, aye; Councilor Schnack, aye; Councilor Szepatowski, aye; Council President Long, aye.

It was moved by Council President Long, seconded by Councilor Schnack to instruct the Town Administrator and Town Solicitor to gather the information requested by the Council and to place it on the next Council agenda. So unanimously voted.

There being no further business before the Council, it was moved by Council President Long, seconded by Councilor Szepatowski to adjourn the meeting at 10:40 PM. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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