

TOWN COUNCIL MEETING

January 20, 2009

A regular meeting of the Jamestown Town Council called to order at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers, 93 Narragansett Avenue at 7:00 p.m. by Council President Julio J. DiGiando. The following members were present:

Michael G. White, Vice President

Robert W. Sutton, Jr.

Barbara A. Szepatowski

absent: William A. Kelly

also present:

Bruce R. Keiser, Town Administrator

Peter D. Ruggiero Town Solicitor

Arlene D. Petit, Town Clerk

Wind Energy Committee present:

Donald Wineberg

Abigail Anthony

Michael Larkin

Robert Bowen

Clayton Carlisle

William Smith

Bucky Brennan

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

- 1) Rhode Island Economic Development Corporation
 - a) Presentation by Fred Hashway, Director of Government Affairs re: award of funding to the Town of Jamestown for the Jamestown Wind Power Feasibility Study

Fred Hashway, Director of Government Affairs for the Rhode Island Economic Development Corporation stated that the Town of Jamestown has been awarded a \$30,000 grant to conduct a wind power feasibility study to determine the feasibility of erecting and operating wind turbines in Jamestown. Mr. Hashway noted that this is the first such grant issued as part of the State's Renewable Energy Fund (REF). Mr. Hashway commended former Representative Bruce Long, Senator M. Teresa Paiva Weed, Town Planner Lisa Bryer and the Wind Energy Committee, headed by Donald Wineberg as leaders in the search for renewable energy resources.

- 2) Wind Energy Committee re: Update of status on feasibility study
Donald Wineberg, Chair of the Wind Energy Committee updated the Council on information relating to the feasibility study for locating wind turbines in the town of Jamestown. Mr. Wineberg outlined the following information:

- Process used to determine the feasibility of locating wind turbines in Jamestown
 - At this point, Daniel Mendelshon was contracted as the Town's consultant

- Set goals and objectives of the Wind Energy Committee in evaluating the technical/financial/political feasibility of wind energy
- Process used to determine the amount of wind resource in Jamestown
 - Three top sites were selected from ten possible locations
 - Taylor Point (1 net metered turbine at 0.8 MW)
 - Fort Getty (1 commercial turbine at 2.0 MW)
 - Beavertail (3 commercial turbines at 2.0 MW each)
- Collection of data for the feasibility study has been completed
- Determine type of operation models
 - net metered or
 - commercial turbines

Mr. Wineberg outlined the next steps to be taken by the Committee; those being:

- agree on draft Feasibility Study
- solicit public input on draft
- make formal recommendation to Council
- conduct public information session(s) to explain recommendation

If Town elects to proceed, the next steps are design, finance, build and operate

Council comments:

- Net metered turbine vs. commercial turbine, size of each, and site location

Mr. Wineberg noted that the net metered turbine would supply the Town facilities with all electric requirements; while the commercial turbines would be used to sell back power to National Grid and provide revenue to the Town of Jamestown.

- Location at Beavertail

Mr. Wineberg stated that a possible site would be on the town-owned portion of Beavertail. The turbines would not affect the use of the park.

- Any interference from the State with water-based renewable energy plans.

Mr. Bowen stated that it is not expected that this will affect land-based renewable energy.

- Would like to be assured that there would be minimum impact on wildlife
Committee is working with the Conservation Commission to identify the best options.

- Guarantees from National Grid, state, and federal government on pricing

Mr. Wineberg stated that in the United States, this would be determined by individual States.

It was the consensus of the Council that Mr. Wineberg would return when additional information has been received.

COUNCIL SITTING AS ALCOHOLIC BEVERAGE 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 moved by Councilor White, seconded by Councilor Szepatowski to approve the Consent Agenda as presented. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) January 5, 2009 (regular session)
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Bike Path Design Committee (12/3/2008)
- 4) CRMC Notices:
 - a) January 2009 Calendar
 - b) Semi-Monthly Meeting Amended Agenda
 - c) Coastal Features, Fall 2008
- 5) Abatements/Addenda of Taxes

It was moved by Councilor Szepatowski, seconded by Councilor White to move item number 2 under new business up on the agenda. So unanimously voted.

New Business

- 2) Request to award bid re: 2009 statistical update to Vision Appraisal for an amount not to exceed \$64,000.00

Following a discussion with the Tax Assessor and Town Administrator, it was moved by Councilor Szepatowski, seconded by Councilor White to award the contract for the 2009 Statistical Update to Vision Appraisal at a price not to exceed \$64,000.00. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

The Town Council may seek to go in Executive Session to discuss the following items:

None

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

- 1) Town Administrator Report (as follows)

To: *Honorable Town Council*
From: *Bruce R. Keiser, Town Administrator*
Date: *January 20, 2009*
Subject: *Town Administrator's Report*

Snow Removal Budget

As of January 15th, the DPW has incurred 367.5 hours of overtime at a payroll cost of \$12,271. The FY2009 budget for snow removal is \$22,000 leaving a balance of \$9,729. Due to a doubling of the cost per ton of salt, expenditures for sand and salt already exceed the budget by \$8,000 with \$35,041 spent to date.

Budget Meeting Dates

If acceptable to the Town Council, I would like to schedule the preliminary budget work session either prior to the regular Council meeting on Monday, February 2nd or on Tuesday the 3rd.

By Charter requirement, I will distribute a FY2010 Proposed Budget to the Council on March 2nd. I would suggest that we set three work session dates for the month of March to review the budget in detail. The School Department and I have tentatively agreed to conduct a joint meeting on the school budget on Tuesday, March 3rd. This date was selected to enable a visiting educator from China to observe our budget deliberation process.

GZA Landfill Final Design Report

We received the draft GZA 100% Landfill Closure Design Report on Friday, January 9th. Mike Gray will complete his review of the report this week. Absent any changes, the report will be submitted to DEM's Office of Waste Management for approval.

Ft. Wetherill Re-use

Following the work session on re-use of the old Highway Barn and adjacent property, I would suggest that the Council place this issue on the next regular agenda for further discussion.

Ft. Getty Master Plan

The Council will hold a work session with the Fort Getty Master Plan Committee on Thursday, January 22nd.

Additional information and comments relating to the Town Administrator's report follows:

a) Snow removal budget

Due to the recent snow storms, the snow removal budget is over budget by approximately \$8,000.

b) Budget meeting dates

Budget Meeting Dates

February 2, 2009 5:30 p.m.

It was the consensus of the Council to schedule the first budget work session on Monday, February 2, 2009 at 5:30 p.m. The Town Administrator will have a six-month revenue report available for the Council at the February 2 work session.

March 3, 2009 6:30 p.m.

It was the consensus of the Council to meet with the School Committee and School Superintendent on March 3, 2009 for a joint work session to review the proposals for the school budget.

c) Economic Stimulus

The Town Administrator reported that the deadline for submission of project lists to the Statewide Planning has been extended to Tuesday, January 27, 2009. Statewide Planning is coordinating the handling of all economic stimulus package proposals for the State. The Town Administrator noted that the projects being submitted should be “shovel ready”. The Town Administrator suggested that two of the projects on the list for the Town include the relining of the sewer lines and the closure of the former landfill.

It was the consensus of the Council to include the relining of the sewer lines and the closure of the former landfill on the Town’s list to be submitted to Statewide Planning.

d) GZA Environmental final report re: landfill closure

Councilor Szepatowski asked that the final landfill closure report be brought to the Council prior to submission to RIDEM. It was the consensus of the Council to review the final landfill closure report at the February 2 Council meeting.

e) Fort Wetherill re-use

It was the consensus of the Council that the Fort Wetherill Re-Use Plan be placed on the February 2 Town Council meeting agenda.

f) Reminder - January 22, 2009 meeting re: Fort Getty

It was the consensus of the Council to reschedule the meeting regarding Fort Getty to Wednesday, January 28, 2009 at 6:30 p.m. to enable the Council to attend a school budget meeting.

Policy for Naming of Town Facilities and Streets

Council President DiGiando requested that a policy be formulated to address requests for naming town facilities and streets. The Town Administrator answered that the Town Clerk and he would research the procedure used in other communities.

- 2) Memorandum from the Town Clerk re: notice of upcoming vacancies on the Jamestown Board of Canvassers and permission to request a list of qualified individuals to be considered

It was the consensus of the Council to instruct the Town Clerk to obtain a list of qualified individuals to be considered for the upcoming vacancies on the Jamestown Board of Canvassers.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

1) Resolution No. 09-001 re: creation of a Juvenile Hearing Board
Councilor Szepatowski stated that there was a need for a Juvenile Hearing Board in Jamestown, Jamestown being only one of only two or three communities without a hearing board. Councilor Szepatowski stated that the Board would be available for first-time misdemeanor violators. If the individual juvenile follows the guidelines as determined by the volunteer board, their record would then be expunged.

It was moved by Councilor Szepatowski, seconded by Councilor White to adopt Resolution No. 09-001, requesting that enabling legislation be submitted for the introduction to the General Assembly to authorize the Town of Jamestown to have the authority to create a juvenile hearing board, subject to the provisions of 8-10-23.1. So unanimously voted.

COMMUNICATIONS AND PETITIONS

1) Library Board of Trustees re: recognition of the valuable service provided by the Public Works employees
It was moved by Councilor Szepatowski, seconded by Councilor Sutton to accept the letter of recognition from the Library Board of Trustees and to forward a letter of thanks to the Public Works Department employees. So unanimously voted.

2) Notice re: V.P. Enterprises, LLC v. Zoning Board of Review of the Town of Jamestown
It was moved by Councilor White, seconded by Councilor Sutton to accept the notice regarding V.P. Enterprises, LLC v. Zoning Board of Review of the Town of Jamestown. 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

None

2) Non-scheduled request to address

Sav Rebecchi, Jamestown's representative on the Quonset Development Corporation Board, gave an update on the development of Quonset. Mr. Rebecchi noted that NORAD has expanded their import business and has taken on additional acreage. Mr. Rebecchi also reported that a committee has been formed, consisting of State Senators and Representatives to review a proposal for the development of a container port using barges with containers rather than the original proposal for larger container ships which would have required substantial dredging. Mr. Rebecchi suggested that the Council contact Jamestown's State Representatives to express our concerns and request that they apply for a position on this commission.

It was the consensus of the Council that Mr. Rebecchi report back to the Council with an update following the next scheduled meeting of the Board.

Ellen Betzer, North Road, asked if there was a way in which the Town could permanently restrict a subdivision in an area that is inundated with surface water. This area is known to have a water problem and any further development would only intensify these issues.

The Town Solicitor noted that the subdivision being discussed will be on the Planning Commission's agenda. Mr. Ruggiero encouraged Ms. Betzer to attend the Planning Commission meeting.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Review of Boards, Commissions and Committees

No discussion or action at this time.

- 2) 44 Southwest Avenue re: purchase and sales agreement

The Town Administrator stated that in negotiating the terms of sale there has been discussion of setting the purchase price at a fixed rate of \$550,000.

Council President DiGiando noted that the Purchase & Sale Agreement for 44 Southwest Avenue would reflect the change on page 1 stating:

*The purchase price for the Property is set at no more or no less than ~~Five Hundred Thousand Dollars (\$500,000.00)~~ **Five Hundred Fifty Thousand Dollars (\$550,000.00)**.* Council President

DiGiando noted that change would be made throughout the contract.

Councilor Sutton stated that there should be no requirement or agreement on an appraisal. The Town Solicitor noted that the price would not be dependent on any appraisal. Mr. Ruggiero stated that the agreement will be forwarded to the buyer's attorney. Mr. Ruggiero asked to clarify the time for closing. It was the consensus of the Council that the closing must take place six months from the signing of the Purchase and Sales Agreement.

The Council discussed the second proposal submitted by another bidder and the possibility of holding it as a negotiable back-up offer. The Town Solicitor advised that the second proposal is no longer valid.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to notify the second bidder that the Town is no longer considering his bid. So unanimously voted.

3) Jamestown Fire Department (JFD) Incentive Program

The Town Administrator presented the amendments to the Fire Incentive Plan which were discussed at the January 5, 2009 Town Council meeting and asked that the Council pass a resolution accepting this incentive program.

There being no further discussion, it was moved by Councilor Szepatowski, seconded by Councilor White to approve a resolution accepting the amendments to the Jamestown Fire Department Incentive Program as presented to the Town Council. So unanimously voted.

NEW BUSINESS

1) Request for the use of Fort Getty for the Club 420 Association “2009 National Championships”

The Town Administrator informed the Council that the request from the Club 420 Association is to allow the use of Fort Getty for the 2009 National Championships on July 27, 28 and 29, 2009. The Town Administrator noted that there are approximately 550 participants expected for this event.

Of great concern to the Council are the power lines at Fort Getty because of the possibility of a steel mast coming in contact with them. It was determined that in order for the Town to host such an event as the 2009 National Championships there must be a policy and procedure in place to insure that the power is turned off in case of contact with a steel mast.

It was moved by Councilor Sutton, seconded by Councilor White to approve the request for the use of Fort Getty for the Club 420 Association “2009 National Championships” with instructions to the Town Administrator to establish a procedure to insure the power is turned off to protect the steel masts. So unanimously voted.

2) Request to award bid re: 2009 statistical update to Vision Appraisal for an amount not to exceed \$64,000.00

Previously addressed.

3) Fort Wetherill Boat Owners Association Lease

The Town Administrator presented the terms to be considered in the extending of the Fort Wetherill Boat Owners Association lease.

All conditions of recent lease to continue with the following additions/changes:

1. Term – December 1, 2008 through November 30, 2015 (this would establish a common ending year for all three Town waterfront property leases)
2. Rent:

1st year = \$22,000

2nd year = \$25,000

3rd to 7th years = \$500 increase annually

3. The Town is considering re-use of the old Highway Barn site. One alternative may include subdividing the 3.6 acre Town property in order to create two lots. One lot will contain the highway barn structure and adjacent land. The second lot will provide a 80,000 sq. ft. parcel on the west side of Fort Wetherill Road to be rezoned for single family residential use. If this occurs and the Town sells the residential lot, the FWBOA lease will require assignment of first position on the waiting list to the lot owner. Any future sales of the residential lot will carry with it the right of the new owner(s) to assume the slip vacated by the seller. If the seller had not occupied a slip, any new purchaser will then have the right to first position on the waiting list. The use of a slip by the owner will require membership in the FWBOA.
4. The water tank cannot be stored on premises. Town water connection is available.
5. Parking as usual.

The Town Administrator noted that any Town water use is subject to restrictions in place to counter a low water or draught period.

In addition to the above terms, the Town Administrator noted that the FWBOA have asked for an option for renewal. This could include rent adjustments.

Councilor Sutton spoke in favor of an option for renewal. In addition, Councilor Sutton asked that there be a general statement in the lease which requires the FWBOA to cooperate with the Town in the redevelopment and the re-use of the highway barn.

There was concern raised with a renewal clause allowing FWBOA a seven-year term lease followed by a five-year term renewal, for a total of twelve years.

Council President DiGiando asked what would happen if the Town chose to sell the property to RIDEM. The Town Administrator indicated that a minimum requirement on the side of the Town would be to maintain the Town boat basin in perpetuity.

Councilor Szepatowski expressed her concern that as a valuable Town asset, there are only 42 individuals that are able to take advantage of it. Councilor Szepatowski also addressed the low lease amount when compared to what other residents are paying for a boat slip.

The Town Administrator noted that along with the lease rental, consideration should be given to the capital improvements that the FWBOA are responsible for.

Joseph Medeiros, FWBOA President clarified that there are 44 slips; two of which are held by riparian owners.

It was moved by Councilor Sutton, seconded by Council President DiGiando to approve the FWBOA lease as amended and that the Town Solicitor is authorized to make the changes and the Council President be authorized to enter into agreement as amended.

It was voted, Councilor Sutton, aye; Councilor Szepatowski, nay; Councilor White, aye; Council President DiGiando; aye. The motion passed with three in favor and one opposed.

4) Resolution requesting RIDOT to fund Downtown Improvement Project
It was moved by Councilor Szepatowski, seconded by Councilor White to approve the resolution requesting RIDOT to release funds for the Downtown Improvement Project as outlined in the Town Administrator's memorandum of January 20, 2009, adding that the Town requests RIDOT to cooperate with the Town of Jamestown.

RESOLVED That the Town Council of the Town of Jamestown urgently requests that the Rhode Island Department of Transportation release \$1.1 million dollars in 2009 Transportation Enhancement Act funds for Phases I and II of the Downtown Improvement Project in Jamestown.

So unanimously voted.

5) Resolution supporting legislative bills regarding elimination of General Revenue Sharing, pension reform, health co-pay, amendments to collective bargaining statutes, and minimum manning

The Council discussed the resolution as submitted by the Town Administrator. It was the consensus of the Council that they would not support such a resolution at this time. No action was taken.

6) Wood Pile Pier re: repairs (per request from Harbor Commission)

The Town Administrator noted that the Harbor Commission has reported that they do not have the funding to repair the wood pile pier.

Robert Bowen, Harbor Commission member stated that the two projects, the ongoing curbs and rails and the projected wood pile pier, are in excess of the Harbor Commission capital funds. Mr. Bowen stated that the Harbor Commission has approximately \$200,000 for the project and was hoping that the Council would fund the remainder.

The Town Administrator stated that this would be discussed at the budget work sessions.

There being no further business before the Town Council, it was moved by Council President DiGiando, seconded by Councilor White to adjourn the meeting at 9:30 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

c: Town Council Members (5)
Town Administrator

Town Solicitor
Administrative Circulation