

TOWN COUNCIL MEETING

September 8, 2008

A regular meeting of the Jamestown Town Council was preceded by committee interviews and was called to order at the Jamestown Town Hall, 93 Narragansett Avenue at 7:00 p.m. by Council President Julio J. DiGiando. The following members were present:

Michael G. White, Vice President
William A. Kelly
Robert W. Sutton, Jr.
Barbara A. Szepatowski left at 10:00 p.m.

also present:

Bruce R. Keiser, Town Administrator
Arlene D. Petit, Town Clerk
Peter D. Ruggiero, Town Solicitor

AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS

None

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 requested that item #5 be removed from the Consent Agenda. It was moved by Councilor Szepatowski, seconded by Councilor White to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) August 25, 2008 regular meeting
 - b) August 25, 2008 executive session
- 2) Bills and Payroll
- 3) Minutes from Boards, Commissions and Committees:
 - a) Zoning Board of Review (7/22/2008)
- 4) CRMC Notices:
 - a) Assent Application re: 10 High Street, Plat 9, Lot 30 to construct and maintain a 1000# Boat Lift System on an existing residential boating facility
 - b) Coast Features Vol. 15 Issue 2
 - c) Notice re: change to the RI Coastal Resources Management Program
 - d) September 2008 Calendar

5)

6) Abatements/Addenda of Taxes

5) Conservation Law Foundation re: climate change of the region
Councilor Sutton explained that the Conservation Law Foundation outlines five steps to be taken in the next five years to tackle the climate challenge. Those five steps are presented in a pamphlet entitled “New England’s Down payment on the Future: Five Steps in Five Years to Confront the Climate Threat”. Councilor Sutton asked that the Council consider sending a letter to Governor Carcieri asking that these issues be addressed. It was the consensus of the Council that this request be put on the September 22, 2008 Council Agenda.

It was moved by Councilor Sutton, seconded by Councilor White to accept the letter from the Conservation Law Foundation. So unanimously voted.

EXECUTIVE SESSION ANNOUNCEMENT

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

- 1) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: Perrotti v. Jamestown Zoning Board of Review ca. no. NC2007-0323
- 2) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: Thurston v. Town of Jamestown
- 3) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: service contract

Council President DiGiando announced that there would be an executive session later in the meeting pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding Perrotti v. Jamestown Zoning Board of Review ca. no. NC2007-0323; pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding Thurston v. Town of Jamestown; and pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding a service contract.

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

- 1) Town Administrator’s Report, as presented:
 - a) Landfill Closure

Staff met with GZA to discuss alternative storage / composting options that impact on the impervious surface coverage and stormwater management capacity requirements. We have concluded that the detention pond serving the upper storage area can be relocated from Lot 47 to the southeast corner of the landfill parcel. GZA is redrafting closure plans to incorporate the new designs. The draft plans for closure of the Landfill will be presented by GZA at the October 14th meeting.

- b) Animal Shelter

Chief Tighe, Barbara Szepatowski, and I met with North Kingstown Town Manager, Michael Embury to discuss an agreement for cooperative use of the North Kingstown shelter. Mr. Embury indicated that he supports the concept and will develop a memorandum of agreement to outline terms and conditions for joint use of the facility.

- c) Update on Town/School cost-saving review

Tina Collins and I met with the School superintendent and financial management staff to review our respective business office functions. The School Department will reduce business office staffing by 0.5 FTE positions following the retirement of School Business Manager in December. The Department is also tasked with implementing new financial management software and reporting systems this year. The introduction of the new systems will require additional effort on existing staff. Due to the impending staff changes and start-up demands, we do not believe that excess staff capacity exists to shift functions between offices in the current fiscal year.

I have contacted the RI Expenditure Council to discuss their interest in performing a management and organization study in Jamestown. RIPEC executive director, John Simmons, indicated that his staff was completing a study of Aquidneck Island school consolidations and is able to provide consulting services to Jamestown thereafter. I suggest that the Council and School Committee meet to discuss a scope of services for the management study. Staff will provide a draft proposal for your review and consideration.

d) Fort Wetherill Re-use

Enclosed is a 2004 report on re-use proposals for the Fort Wetherill Highway Barn. I recommend that the Council hold a workshop to revisit this report and to identify a preferred alternative for re-use or disposition of this property.

e) Charter Review Commission

The Town Clerk will advertise next Thursday September 11th for interested applicants for appointment to a charter review commission. The mission statement for the Commission can range from conducting a comprehensive review of the entire Charter to a more limited scope focused on specific provisions of interest to the Council. This item will be placed on the next agenda for Council discussion.

f) Administration of Harbor Projects

Staff will review the proposed Harbor Ordinance amendments and determine if any language changes should be incorporated to fine-tune the duties of the Harbor Commission relative to capital infrastructure planning and implementation.

g) National Grid

National Grid representatives have proposed a peak load reduction program that the Town can participate in to obtain discount on power costs. The program requires that municipal buildings reduce power demands during peak periods through automated cooling controls. I will present specific cost savings when the Grid makes this information available based on a review of Town power needs. This program will also be marketed to individual households and businesses.

h) Recently Enacted Rhode Island Laws

- i) Relating to Highways – The Jamestown Bridge Fishing Park
- ii) Relating to Military Affairs and Defense – Emergency Management

Council comments:

44 Southwest Avenue

Councilor Sutton asked that the real estate value for 44 Southwest Avenue be determined and discussed at the next meeting.

Transfer Station

Councilor Szepatowski asked that the Council address the policies and procedures for use of the transfer station as an upcoming agenda item. The Town Administrator noted that he will be putting together information relating to the transfer station usage and a possible per bag fee for the next budget review in January.

Town/School Cost-saving

The Council discussed the need to determine the scope of the management and organization study required prior to the hiring of a consultant such as Rhode Island Expenditure Council.

Fort Wetherill Re-use

Councilor Sutton suggested that the Town Administrator communicate with Rhode Island Department of Environmental Management to discuss possible solutions to the septic system issues at Fort Wetherill. In addition, Councilor Sutton asked for an up-to-date cost analysis relating to the re-use study for Fort Wetherill.

The Town Clerk was asked to provide the Council with the minutes from the Fort Wetherill Committee meetings.

Charter Review Commission

In answer to the question relating to a Council person being a member of the Charter Review Commission, the Town Solicitor stated that there is no prohibition stating that this would not be allowed. It was the consensus of the council that the charge for the Charter Review Commission would be addressed at a Council meeting in October.

Administration of Harbor Projects

The Council discussed the need for all Town projects to be under the management of the Town administration.

Jamestown Bridge/Fishing Park

It was moved by Councilor Sutton, seconded by Councilor Kelly to authorize the Town Administrator to send a letter to the Director of the Department of Environmental Management and the Director of the Department of Transportation encouraging them to continue to develop plans and specifications for the construction of a fishing pier park at the old Jamestown Bridge site. So unanimously voted.

2) Finance Director's Report
No action taken.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Copy of letter to the RI Bridge & Turnpike Authority from Senator M. Teresa Paiva Weed and Representative Bruce J. Long re: EZ Pass

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from Senator M. Teresa Paiva Weed and Representative Bruce J. Long. So unanimously voted.

- 2) Letter to the Council from Frank Meyer re: Mooring violation

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to accept the communication from Frank Meyer and to refer the letter to the Harbor Commission. So unanimously voted.

- 3) Letter to the Council from the Chariho Regional School District Committee re: meetings of local School Committees/City & Town Councils RIPBS Broadcasts

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from the Chariho Regional School District Committee. So unanimously voted.

- 4) Letter to the Council from Neighbors of 147 Beach Avenue re: neighborhood business

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from the neighbors of 147 Beach Avenue. So unanimously voted.

It was the consensus of the Council that the Town Administrator would refer the letter to the Zoning Official and to Police Chief Tighe as director of animal control.

LICENSES & PERMITS

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None

OPEN FORUM

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

Representative Long updated the Council on a recent meeting held by the Rhode Island Turnpike and Bridge Authority regarding the proposed EZ Pass. In addition, Representative Long spoke about other legislative issues.

2) Non-scheduled request to address
Deborah Ruggiero, Davit Avenue, encouraged the Council and residents to attend the EZ Pass hearings being held by Rhode Island Turnpike and Bridge Authority.

Rosemary Enright, Clarke Street, invited the Council and residents to attend the dedication of the Jamestown Historical Society wall presentation at the Town Hall on September 18, 2008 at 6:30 p.m.

Ellen Winsor, East Shore Road, read a statement and discussed the need to protect the wetlands at the north end of the island.

Frank Meyer, Southwest Avenue, informed the Council that his request that the State reference Fort Getty as a Municipal Park rather than a State Park has been corrected on the new Rhode Island maps.

Donald Miller, President of the Conanicut Island Art Association, asked that the Council again consider the art association's requests to expand on the use of the Town Hall as a gallery for local artists.

Raymond Iannetta, North Main Road, stated that he has been working with the Town Administrator and Town Engineer to repair the long-time, non-functioning drain underneath the trash compactor at the transfer station, noting that for years he complained about this and was told it was being taken care of.

Norma Willis, North Main Road, commended the Council and Administration on finally repairing the non-functioning drain.

Councilor Sutton expressed his concern that the utility poles that were stored at the Transfer Station have been removed from Jamestown, leaving Jamestown without the ability to replace poles that may be damaged through a hurricane or other emergency event. The Town Administrator noted that he was looking into the removal of the utility poles and would report back to the Council.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

1) Project Administration of Harbor Projects
Previously addressed.

NEW BUSINESS

1) Land Purchase Agreement – RI Turnpike and Bridge Authority

The Town Administrator explained that Jamestown provides 24/7 coverage to public safety incidents at the Toll Plaza or on the Pell Bridge. Town services provided includes the enforcement of motor vehicle laws, assistance to disabled autos, management of accident scenes, extinguishing car fires, rendering emergency medical services, and suicide prevention. Calculating the cost of these services, the Town Administrator stated that from July 1, 2007 to June 31, 2008 there were 41 calls for assistance or a combined 550 hours of service to the Plaza or Bridge. The Town Administrator suggested that the Rhode Island Turnpike and Bridge Authority provide an annual service fee payment to the Town of Jamestown to cover the cost of these services, noting that for the 2007/2008 fiscal year that cost would be \$26,000 (550 hours of service at \$47.27 per hour). The Town Administrator suggested that over the 2008/2009 and succeeding three fiscal years through 2011/2012, RITBA compensate the Town for the annual cost of public safety services by forgiving the Town's purchase costs to acquire the RITBA property for the Town's Highway Garage.

The Council had a lengthy discussion on the financial implications of spreading the purchase price of the RITBA property over several years rather than an immediate payment of \$97,500. In addition the Council noted that this arrangement would allow for the installation of the needed hydraulic lift during the construction phase of the project.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to support the suggestion that the Town Administrator work out an agreement with the RITBA to pay for the purchase the land over time and that the balance of the funds in the highway construction fund (\$80,000) be used to install the hydraulic lift at the time of construction. So unanimously voted.

2) Solid Waste and Recycling Services Agreement *revised*

The Town Administrator reported that the State has agreed to maintain the municipal solid waste disposal rate of \$32/ton for the remainder of this contract. The over-the-cap fees for FY2009 are set at \$60/ton. It is expected that the over-the-cap fees will increase by \$5/ton per year for the next three years. Recently enacted legislation raises the minimum municipal recycling rate to 35%, and mandates a municipal solid waste diversion rate of 50% by 2012. In order to increase the recycling, Rhode Island Resource Recovery Corporation will be expanding on the list of recyclables.

It was moved by Councilor Kelly, seconded by Councilor Szepatowski to approve the signing of the Solid Waste and Recycling Services Agreement as revised.

In answer to Council Sutton's question, the Town Administrator noted that this contract provides for a lesser amount of municipal waste.

So unanimously voted.

3) RI Resources Recovery Corporation Grant Award re: proposals for use of funds

Councilor Kelly suggested that some of the funds received from Rhode Island Resource Recovery Corporation could be used for the following:

- installation of a waste-oil heating system
- construction of a protective cover for an area to hold items for the exchange of commodities
- purchase of jackets for the public works staff indicating “Jamestown recycles”

Councilor Kelly called upon Representative Long to urge the Governor to appoint Board members to the Rhode Island Resource Recovery Corporation in order that grants can be approved and distributed.

Representative Long indicated that he would call the Governor’s office for information relating to the Board of Directors for the Rhode Island Resource Recovery Corporation.

4) Recycling of Electronic Waste as presented on August 25, 2008

Council President DiGiando noted that Michael Mancuso, representative of Cartridge World, made a presentation on the collection and recycling of electronic waste at the August 25, 2008 Council meeting. This item is on the agenda to make a decision as to whether the Town of Jamestown would contract with Cartridge World for our electronic equipment.

It was moved by Councilor Sutton, seconded by Councilor Szepatowski to direct the Town Administrator to develop an agreement with Cartridge World that will provide for the recycling of the Town’s electronic waste, and to bring that agreement to the Town Council for approval. So unanimously voted.

5) Recycling collaborative efforts between the Jamestown Press and the Town of Jamestown (*per Councilor Kelly*)

Councilor Kelly noted that Jeff McDonough has agreed to post recycling numbers in the Jamestown Press to assist in monitoring the community’s progress in reaching our recycling goals.

6) Stormwater Management Plan

The Town Administrator stated that the stormwater management plan is in reference to a plan for the entire island. Development of this plan would require a substantial effort from the Town staff.

It was the consensus of the Council that the Town Administrator brings forth a cost estimate for the development of a Stormwater Management Plan for the community.

7) Dutch Harbor Boat Yard Lease

The Town Administrator reviewed the lease for town property located at West Ferry to Dutch Harbor Boat Yard, LLC., noting that the term of the lease is for a seven-year period (ending August 31, 2015), with a base rent of \$13,000, and with a yearly \$500 rent payment increase. The lessee uses the leased property for boat storage following Labor

Day of each year. However, no more than 50% of the leased premises may be occupied prior to September 22. All stored boats must be removed from the property by June 14.

In addressing emergency situations, it was the consensus of the Council that any deviation to the lease in an emergency would be at the discretion of the Town Administrator.

Regarding concerns previously brought to the Council by neighbors, the Town Administrator answered that he is contacting neighbors to address those issues.

It was moved by Councilor Kelly, seconded by Councilor White to approve the lease of property at West Ferry by the Town of Jamestown to Dutch Harbor Boat Yard, LLC. as presented. So unanimously voted.

8) Improvements to Town Roads (*per Councilor Kelly*)

Councilor Kelly asked that the Council and Administration consider an overall road management plan. Councilor Kelly stated that the yearly budgeted amount of \$170,000 for road maintenance and repair is not enough funding to keep ahead of the needed road repair for this community. Councilor Kelly suggested that a road management plan should be developed to allow for the investment in the Town's infrastructure and bring all roads to a safe condition, rather than only repairing the worst of the roads and leaving other needed repairs to another budget season. Councilor Kelly stated that if the Town were to go for bonding on a project of this nature, the \$170,000 per year could be put toward the cost of the bond and in three years when other bonds are retiring, there would be no additional cost to the taxpayers. Councilor Kelly asked for a proposal of what the life expectancy of the roads is – ten years, fifteen years, and twenty years out.

The Town Administrator indicated that this road management plan could be part of a capital improvement plan.

9) Award of Bid re: Police Station Additions to William Burgin, Burgin Lambert Architects, Inc. for an amount not to exceed \$29,600.00

It was moved by Councilor Szepatowski, seconded by Councilor Kelly to award the bid for the police station additions to William Burgin, Burgin Lambert Architects, Inc. for an amount not to exceed \$29,600.00. So unanimously voted.

10) Council Chamber Flag Policy

The Town Solicitor suggested that the flag policy be continued. Councilor Sutton indicated that he would like to see a flagpole in the Council Chambers to fly flags in honor of specific events.

11) Recognition of David Vieira's Service to the Community (*per Councilor Sutton*)

Upon the passing of David Vieira, Councilor Sutton read a proclamation that was presented to David Vieira in 1985 on his retirement from the highway department for thirty-five (35) years of exemplary service to the community.

It was moved by Council Sutton, seconded by Councilor Kelly to forward a letter of condolences signed by the Council President to the family of David Vieira. So unanimously voted.

EXECUTIVE SESSION

- 1) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: Perrotti v. Jamestown Zoning Board of Review ca. no. NC2007-0323
- 2) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: Thurston v. Town of Jamestown
- 3) Pursuant to RIGL 42-46-5 (a) (2) re: litigation re: service contract

It was moved by Council President DiGiando, seconded by Councilor Kelly to enter into executive session at 9:30 p.m., pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding Perrotti v. Jamestown Zoning Board of Review; pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding Thurston v. Town of Jamestown; and pursuant to RIGL 42-46-5 (a) (2) to discuss litigation regarding a service contract.

It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

Upon the Council's return to the regular meeting at 10:15 p.m., Councilor DiGiando noted that there were no votes taken in executive session.

It was moved by Councilor Kelly, seconded by Councilor White to seal the executive session minutes to the public.

It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor White, aye; Council President DiGiando; aye. The motion passed with four votes in favor, Councilor Szepatowski having left the executive session at 10:00 p.m.

There being no further business before the Council, it was moved by Councilor White, seconded by Council President DiGiando to adjourn the Council meeting at 10:23 p.m. So voted, with Councilor Szepatowski being absent.

Attest:

Arlene D. Petit
Town Clerk

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