

TOWN COUNCIL MEETING
July 14, 2008

A regular meeting of the Jamestown Town Council was called to order at the Jamestown Town Hall, 93 Narragansett Avenue at 6:35 p.m. for the administration of the oath of office by Council President Julio J. DiGiando. The following members were present:

Michael G. White, Vice President

William A. Kelly

Robert W. Sutton, Jr.

absent: Barbara A. Szepatowski

also present:

Bruce R. Keiser, Town Administrator

Peter D. Ruggiero Town Solicitor

Arlene D. Petit, Town Clerk

Robert Bowen, Jamestown Harbor Commission

Richard Anderson, Jamestown Harbor Commission

also present for the administration of oath:

Thomas P. Tighe, Police Chief

Jamestown Police Department Swearing-In Ceremony

1) Administration of Oath:

a) Probationary Officer Scott E. Sullivan

b) Promotion of Permanent Sergeant to Karen A. Catlow

Chief Tighe introduced Probationary Officer Scott E. Sullivan and gave an overview of Officer Sullivan's accomplishments while attending officer candidate school.

Chief Tighe announced the promotion of Acting Sergeant Karen A. Catlow to that of Permanent Sergeant.

Council President DiGiando administered the oath of office to both Officer Scott E. Sullivan and Sergeant Karen A. Catlow.

The swearing-in ceremony was followed by the regular meeting at 7:00 p.m.

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 # 2 be removed from the Consent Agenda. It was moved by Councilor Kelly, 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) June 23, 2008 regular meeting
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Board of Canvassers meeting May 12, 2008
 - b) Planning Commission meeting June 4, 2008
 - c) Zoning Board of Review meeting May 20, 2008
- 4) CRMC Notices:
 - a) Cease & Desist Orders:
 - i) Jean-Guy Schilling; plat 4 lot 123, 376 East Shore Road for installation of a float to an existing dock
 - ii) Eastward Vista, LLC, plat 4 lot 33, 368 East Shore Road installation of a float to an existing dock
 - iii) Mark A. Bard, plat 12 lot 87, Clarke's Village Road for clearing of vegetation within 200 feet of a coastal feature
- 5) Zoning Board of Review abutter notification:
 - a) Appeal of **V.P. Enterprises, LLC**, whose address is 1350 North Main Rd., from a decision of the Planning Commission made on May 21, 2008 denying the application of V.P. Enterprises, LLC to subdivide **Lot 61 on Tax Assessor's Plat 1 and a tiny portion of Lot 244** on Tax Assessor's Plat 1 into 2 lots. Said property is located in a R80 zone and contains approximately 177,246 sq. ft.
 - b) Application of **Village Hearth Bakery**, (Doriana Carella & Andrea Colognese, owners), whose property is located at **2 Watson Ave., and further identified as Tax Assessor's Plat 8, Lot 774**, for a variance from Article 3, Table 3-2 (District Dimensional Regulations) to change the use from a customary home occupation (bakery) to a café with 36 seats which requires the following relief, lot size: 20,000 sq. ft. required, 7,000 sq. ft. proposed, building lot coverage: 25% required, 33% proposed, minimum yards: 27' front, (30' required), 15' corner, (30' required), west side 14' (30' required), north side 7' (30' required), and also relief from the Minimum Off Street Parking requirements (82-1203) 8 spaces required, 1 being provided. Said property is located in a CL zone and contains 7,000+ sq. ft.
 - c) Application of **Victor Bell EPI Real Estate Holdings LLC** whose property is located at **41 Narragansett Ave., and further identified as Tax Assessor's Plat 9, Lot 211** for:

- i) A special use permit under Article 3, Section 82-301, Uses & districts, I. Residential 10. Mixed Use, in order to replace the existing single-family residence on this lot with a 2-story office building while maintaining the mixed use building fronting on Narragansett Avenue.
- ii) A variance from Article 12, Section 1203 Parking Requirements that requires a total of 23 parking spaces where 17 are proposed.
- iii) A variance from the Zoning Ordinance, Article 12, Parking Regulations, Section 1202, Location, that requires that “no parking facility... shall be located within 5 feet of a sidewalk or abutting property line” so as to create off street parking for seven cars in a lot that abuts our neighbor’s parking lot to the east and Clinton Ave. to the west.

Said property is located in a CD zone and contains 10,210 sq. ft.

- d) Application of **Creighton and Anne Condon**, whose property is located at **255 Hull Cove Farm Rd., and further identified as Tax Assessor’s Plat 12, Lot 26**, for a variance from Article 3, Section 3-2 (District Dimensional Regulations) to build a second story on an existing house that is 21 feet from the east side lot line, instead of the required 30 feet, and to extend a porch 4 feet south that is 23.75 feet from the side lot line (east), instead of the required 30 ft. Said property is located in a RR80 zone and contains 1.43 acres.

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- 7) REMINDER: Friday, August 1, 2008: 2008 Open Government Summit sponsored by the RI Attorney General’s Office at Roger Williams University
- 8) Abatements/Addenda of Taxes

*(Clerk Note: error in numbering - number 6 was inadvertently omitted from the agenda)

2) Bills and Payroll

Councilor Kelly asked for additional information on the following bills:

A/C# 70050.201 A. Lauriston Parks \$6,423.05

Councilor Kelly stated that he would like to see an update on the properties obtained by the Town through the foreclosure on the right of redemption process, as well as the expenses incurred by the Town. The Town Administrator answered that he would put this on the July 28, 2008 Council agenda.

A/C# 21000.757 Taft & McSally LLP \$14,500.00

The Town Administrator explained that included in account number 21000 were charges for the bond issuance related to the \$4.9 million combined bonding on land preservation, the highway facility and the police station.

A/C# 41000.100 Jamestown 2-08 \$3,312.10

The Town Administrator informed the Council that this is a reimbursement to an individual that claimed property at a tax sale. The original owner has twelve months to reclaim the property and pay any taxes due. The Town will bill the original owner for those taxes which include the \$3,312.10.

A/C# 70310.314 Gasoline \$3,436.72

The Town Administrator reviewed the conservation efforts being observed by Town staff in order to limit the amount of fuel consumed and reduce costs. In addition, the Town Administrator mentioned that there may be some consideration in purchasing a hybrid vehicle to conserve fuel costs.

Councilor Sutton urged the Town Administrator to work directly with the Police Department when determining the purchase of smaller vehicles. In the past smaller cars were felt to be less safe in police work.

A/C# 70310.318 Ham Radio Outlet Inc. \$149.95

The Town Administrator noted that this vendor supplies the police department with radio parts.

A/C# 70430.313 Energy Electric Co Inc \$3,100.00

In answer to Councilor Kelly's inquiry into the bidding process, the Town Administrator explained that when purchases are between \$1,000.00 and \$3,000.00, the Town is required to obtain three written quotes; when purchases are over \$5,000.00, the Town is required to obtain bids.

Councilor Kelly asked if the Council could consider increasing the discretionary purchasing authority of the Town Administrator. The Town Solicitor stated that he would review the law and provide an answer at the July 28, 2008 Council meeting.

A/C# 70450.341 RI Resource Recovery Corp \$14,187.60

The Town Administrator noted that the Town is paying an excessive amount in tipping fees. The Town paid for 800 tons over our solid waste cap, at \$56.00 per ton. While the Town is working diligently to reduce the overage, the percentage cap for solid waste disposal allowed is increasing. The under cap amount paid per ton for solid waste disposal is \$32.00, while overage is paid at \$56.00 per ton. The Town Administrator stated he is confident that the residents of Jamestown will continue to increase recycling efforts to lower solid waste disposal fees.

National Grid

In addressing the high energy costs, the Town Administrator suggested that as part of the "green master plan" there would be an energy audit on all Town buildings.

Councilor Sutton recommended that as another way of cutting energy costs consideration should be given to the installation of skylights to allow for natural lighting when constructing the highway facility.

A/C# 70801.395 Karystal \$1,470.60

The Town Administrator noted that these funds are for the purchase of hats and tee shirts for the youth recreational programs.

Dispatch Renovations Motorola \$112,580.31

The Town Administrator informed the Council that the \$112,580.31 is the final costs associated with the police station renovations. It was mentioned that the total costs for this project were covered half by Federal and State grants and half by local funds.

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) litigation
 - a) David W. Thurston, pending litigation

It was moved by Councilor Sutton, seconded by Council President DiGiando to enter into executive session pursuant to RIGL 42046-5 (a) (2) litigation regarding pending litigation with David W. Thurston.

There was discussion as to whether or not it was necessary to meet in executive session. The Town Solicitor stated that some members of the Council were not aware of this pending litigation and he would like to take this time to review it with them and to discuss strategy.

In order to move the meeting along, it was suggested that the Council meet in executive session following the conclusion of new business.

Councilor Sutton withdrew his motion to hold the executive session at this time. Council President DiGiando announced that there would be an executive session later in the meeting.

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

- 1) Town Administrator Report
 - a) Letter to the Town Administrator from RI DOT re: repairs to Conanicus Avenue seawall

The Town Administrator informed the Council that RIDOT will be extending the limits of repair work to the Conanicus Avenue seawall and adjacent sidewalk. Based upon RIDOT'S present scheduling, the repairs are expected to begin sometime after the July 2008 bidding process.

- b) Letter to the Town Administrator from RI DEM re: Short Term Response Action Work Plan & Addendum, Lead Soil Contamination, Plat 7 Lot 1

The Town Administrator stated that RIDEM has provided authorization for the Town to proceed with the soil remediation plan for the highway facility site. The Town Administrator noted that although it is expected that most, if not all, of the soil will be accepted at the Central Landfill, a small portion may exceed lead limits for use as cover

material and therefore, would require removal to a hazardous waste facility. It is expected that the Town Highway Staff would complete site preparation in August and at that time the Town's contractor, A. Autiello, would begin construction.

Town Administrator Keiser also reported that the Rhode Island Turnpike and Bridge Authority voted unanimously to support the revised plan and color scheme of the highway facility.

In answer to how the soil testing would be conducted, the Town Administrator stated that the testing would be done along with the excavation. GZA GeoEnvironmental will be on site while the excavation and testing are being done.

2) Finance Director's Report

The Town Administrator noted that the figures represented in the Budget to Actual Report for the fiscal year ending 2007/2008 do not include expenses that occurred in that budget cycle and are currently being paid. Those expenses will be charged back to the 2007/2008 budget and will be reflected in the figures for that year-end report. The Town Administrator informed the Council that the preliminary financial report for the fiscal year 2007/2008 will be available in October.

3) Harbor Management Commission

a) Letter from Chair re: Wood Pile Pier

The letter from the Harbor Commission Chair initiated a lengthy Council discussion on how projects are managed when recommended by a Town Board or Commission. Past procedures were discussed and, because of the difficulty in the coordination of a project being overseen by a committee, found to be lacking in the ability to effectively bring a project to completion.

The Council discussed the need for any Town project, once approved by the Town Council, becoming the responsibility of the Town Administrator to organize the completion of the project.

It was the consensus of the Council that "project administration" be placed on the Council agenda for further consideration.

Teen Coordinator

The Town Administrator informed the Council that Deborah Tungett has been hired as the new Teen Coordinator replacing Melissa Minto.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Copy of letter from the Town Solicitor re: Dutton v. Jamestown Planning Commission

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from the Town Solicitor regarding Dutton v. Jamestown Planning Commission. So unanimously voted.

- 2) Letter from John Sahagian re: appeal of JHC (Harbor Management Commission) decision on August 8, 2007 denying a mooring
Council President DiGiando reviewed the procedures to be followed for an appeal to a decision of the Harbor Commission.

The Town Clerk was instructed to set a date for the hearing and to provide the Council with the records from the Harbor Commission pertaining to the denying of a mooring for Mr. Sahagian.

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from John Sahagian. So unanimously voted.

- 3) Letter from John G. Plowden re: reestablishment of the Jamestown Golf Course Advisory Committee with copy of former discharged committee's Charge

It was moved by Councilor Kelly, seconded by Councilor White to accept the communication from John G. Plowden regarding the reestablishment of the Jamestown Golf Course Advisory Committee. So unanimously voted.

There was some discussion as to the possibility of concerns such as this being referred to the Town Building and Facilities Committee.

The Town Administrator reported that the trees recently planted on the eighth (8th) fairway in particular were replacement trees for the original trees damaged by disease and planted to improve the playing field.

It was the consensus of the Council that the Town Administrator work directly with the golf course management and neighbors and report back to the Council at a later date.

- 4) Copy of letter from William & Nicole Fortenberry to RI DEM re: objection to request variances for plat 3 lot 153; Dory Street

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from William & Nicole Fortenberry to RI DEM regarding objection to request variances for plat 3 lot 153; Dory Street.

The Town Administrator reported that the Town holds the tax title to the property and therefore, RIDEM may not be able to properly act upon the request for variances.

So unanimously voted.

It was the consensus of the Council that the Town Administrator proceed administratively on this matter.

- 5) Letter from William S. Munger re: wood pile pier

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from William S. Munger regarding the wood pile pier. So unanimously voted.

Referring to Mr. Munger's concerns, Council President DiGiando noted that at a meeting he attended on Wednesday, the Harbor Commission indicated that there is not a management plan for the structures at East Ferry.

It was the consensus of the Council that the Town Administrator would provide recommendations regarding the management of the docks at East Ferry

- 6) Letter from Varoujan Karentz re: the Armenian National Committee

It was moved by Councilor Kelly, seconded by Councilor White to accept the letter from Varoujan Karentz regarding the Armenian National Committee. 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 License with Vendor's Permits:

- a) Application of the Jamestown Teen Center to hold "SkateFest 2008" at the Skate Park (55 Lawn Avenue) on August 8, 2008 from Noon to 6:00 pm.

It was moved by Councilor Kelly, seconded by Councilor White to approve the Exhibition License with Vendor's Permit for Jamestown Teen Center to hold "SkateFest 2008" at the Skate Park (55 Lawn Avenue) on August 8, 2008 from Noon to 6:00 pm.

The Town Administrator noted that this is a Town sponsored event and as such, is covered under the InterLocal Trust.

So unanimously voted.

- b) Application of the Conanicut Island Art Association to hold "Art Around the Bay" at the Town Hall on August 7, 2008 from 5:00 to 7:00 pm. Applicant's application is complete.

It was moved by Councilor White, seconded by Councilor DiGiando to approve the Exhibition License with Vendor's Permit for the Conanicut Island Art Association to hold "Art Around the Bay" at the Town Hall on August 7, 2008 from 5:00 to 7:00 pm. So unanimously voted.

- 2) One Day Peddler & Entertainment License:

- a) Application of the Jamestown Recreation Department to have a band, DJ and sell snacks at "SkateFest 2008" (55 Lawn Avenue)

on August 8, 2008 from Noon to 6:00 pm. Applicant requests to waive the \$10.00 application fees.

It was moved by Councilor Sutton, seconded by Councilor White to approve the One Day Peddler & Entertainment License for the Jamestown Recreation Department to have a band, DJ and sell snacks at “SkateFest 2008” (55 Lawn Avenue) on August 8, 2008 from Noon to 6:00 pm.

Councilor Sutton expressed concern as to whether there is any liability exposure for the Town relative to the professional skateboarders. The Town Administrator stated that in the past, the organization sponsoring the skateboards provided the Town with notification of insurance, naming the Town as co-insured.

- 3) Fort Getty One Day Entertainment License:
 - a) Application of Rachel Botelho to have a DJ on August 16, 2008 from Noon to 10:00 pm. Applicant’s application is complete.

It was moved by Councilor White, seconded by Councilor Kelly to approve the Fort Getty One Day Entertainment License for Rachel Botelho to have a DJ on August 16, 2008 from Noon to 10:00 pm. So unanimously voted.

- 4) Fort Getty One Day Peddler & Entertainment License:
 - a) Application of the Paws & Claws Pet Fund to have a DJ and sell auction items on August 2, 2008 from 10:00 am to 10:00 pm. Applicant requests to waive the \$200.00 Pavilion fee and \$10.00 application fees; no insurance policy submitted.

It was moved by Councilor White, seconded by Council President DiGiando to approve the Fort Getty One Day Peddler & Entertainment License for the Black Tie Doggie Ball on August 2, 2008 from 10:00 a.m. to 10:00 p.m.

Prior to voting on the motion, Councilor Kelly noted his concerns that the event precedes the report identifying whether or not an animal shelter is needed in Jamestown. In addition, Councilor Kelly inquired into the non-profit status of the sponsor.

There being no further concerns addressed, it was so unanimously voted.

OPEN FORUM

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

Representative Long gave a verbal update on current and upcoming events relating to Rhode Island legislation.

Representative Long noted that he received a request for a light on Seaside Drive at pole #9.

- 2) Non-scheduled request to address
None

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Dutch Harbor Boat Yard
 - a) Letter from Mark Liberati re: Dutch Harbor Boat Yard

The Town Administrator noted that Larry Eichler and Robert and Barbara Paterson have formed a new partnership, Dutch Harbor, LLC, with Mr. Eichler being the majority partner. In order to provide Dutch Harbor with a stable environment in which to commence planning future improvements to the site, Mr. Liberati indicates that his client is requesting the Town do the following:

1. Consent to an Assignment of Lease, transferring the title to the boat yard from Dutch Harbor Boat Yard, LLC to Dutch Harbor, LLC.
2. Extend the lease for an additional ten years under the same terms and in the same rental amount as currently exists.
3. Allow an option for an additional ten years at the base rental amount, plus an increase calculated using the Consumer Price Index.
4. If desired, the Town may wish to enter into a new lease to accomplish the above.

The Town Administrator suggested that he meet with the Town Solicitor to review Mr. Eichler's request and forward a recommendation to the Town Council.

The Council discussed some of the issues that were submitted by neighboring residents; of which parking, noise, and residential vs. commercial use of property were considered to be the most relevant at this time.

It was the consensus of the Council that the Town Administrator meet with Mr. Eichler to discuss the issues of concern.

- 2) 44 Southwest Avenue Property

The Town Administrator noted that he is working with the Tax Assessor on a review of the property. In addition, he will contact an individual that has expressed an interest in purchasing the property for mixed use.

NEW BUSINESS

- 1) Public Works Department - Award Bids for the following:
 - a) Award bid to Cardi Corporation Inc. for the following:
 - i) Class I-1 Bituminous Surface Course for not more than \$64.75 per ton
 - ii) Bituminous Binder Course for no more than \$64.75 per ton
 - iii) Class I-2 Bituminous Surface Course for sidewalks for no more than \$110.00 per ton
 - iv) Pavement Reclamation for no more than \$1.00 per sq. yard

- v) Grading & Compacting for no more than \$0.60 per sq. yard

It was moved by Councilor Sutton, seconded by Councilor White to award the contract for to Cardi Corporation, Inc. as follows:

- o Class I-1 Bituminous Surface Course for not more than \$64.75 per ton
- o Bituminous Binder Course for no more than \$64.75 per ton
- o Class I-2 Bituminous Surface Course for sidewalks for no more than \$110.00 per ton
- o Pavement Reclamation for no more than \$1.00 per sq. yard
- o Grading & Compacting for no more than \$0.60 per sq. yard

So unanimously voted.

- b) Award bid to Dosch King Co., Inc for the following:

- i) CRS-2L Applied for no more than \$3.25 per gallon
- ii) Computerized Chip Spreader with Operator for no more than \$290.00 per hour

It was moved by Councilor Sutton, seconded by Councilor White to award the contract to Dosch King Co., Inc. as follows:

- o CRS-2L Applied for no more than \$3.25 per gallon
- o Computerized Chip Spreader with Operator for no more than \$290.00 per hour

So unanimously voted.

- 2) Clancy Zoning/Court Action update (*per Councilor Sutton*)

The Town Solicitor informed the Council that it is his understanding that the Clancy matter has been assigned to Superior Court. Although Newport Superior Court has one Judge out, it is hopeful that there will be a decision in that matter before the end of the summer.

Councilor Sutton asked if the Council's Resolution (No. 07-030) was included in the Zoning Board of Review file and forwarded to Superior Court. The Town Solicitor stated that the Resolution was not part of the Zoning Board of Review's record; therefore, it would not have been sent to Superior Court. The only information the Court sees is the record that went before the Zoning Board of Review.

Councilor Sutton raised his concern that the Superior Court Judge would not have access to the Council's action relating to the Clancy case without seeing the Resolution. The Town Solicitor stated that because the hearing is for a record review, the Resolution was not part of that record.

Jennifer Clancy questioned why the Resolution would not have been put in their Zoning file. The Town Solicitor stated that it would be in the hands of their attorney to distribute.

- 3) Special Flag Pole at the Town Hall

The Council discussed the possibility of displaying the banner or flag of organizations in the Council chambers. The Town Solicitor recommended preparing a policy for the time, place, and manner of restrictions for this display.

It was the consensus of the Council that the Town Solicitor drafts a flag policy for the Council chambers for their consideration at a meeting in August.

4) Bicycle Path Committee charge

The Council reviewed the Bike Path Design Committee charge as presented by the Town Administrator. In considering the membership for this committee, it was the consensus of the Council that Councilor Sutton would be the Town Council member serving on this committee.

It was moved by Councilor Sutton, seconded by Councilor to create the Bike Path Design Committee with the following goal and charge:

The goal of the Bike Path Design Committee is to facilitate the planning and construction of a designated Bike Path from the west side of the Jamestown Bridge to North Road and extending southerly into the Village. The on-island portion of the proposed Bike Path was approved by the Town Council in 2000 as a component of the Conanicut Island Greenway Trail System and funded by the RI Department of Transportation in 2002.

The Committee shall be responsible for developing a proposed bike path design plan that promotes safety, protects natural resources, and is cost-efficient. The plan should also identify options to construct the path in phases to address funding limitations and opportunities.

A report to the Town Council shall be due 180 days from the commencement of the committee's appointment.

The Bike Path Committee shall include the following seven (7) voting members:

- Town Planner
- Town Administrator
- Town Council Member (Robert W. Sutton, Jr.)
- Conservation Commission Member
- Two (2) residents at large – preferably a resident in the vicinity or an active member of Rolling Agenda
- A representative from the Department of Transportation

So unanimously voted.

5) August meeting schedule

There being less business conducted in August due to vacation schedules, the Town Administrator suggested that the Council conduct two meetings rather than the regular three meetings.

The Council agreed that any priority business could be moved to the Board of Water and Sewer Commission meeting on August 18.

It was moved by Councilor Kelly, seconded by Council President DiGiando that the August calendar for the Jamestown Town Council will be as follows:

August 18, 2008	Board of Water and Sewer Commission
August 25, 2008	Town Council

So unanimously voted.

- 6) Review of Capital project planning for Harbor infrastructure

There was no discussion or action taken. (See discussion from “Reports”, Letter from Harbor Commission Chair.)

- 7) Letter to the Town Administrator from the RI League of Cities & Towns re: REAP Contract Renewal

The Town Administrator explained that the Rhode Island Energy Aggregation Program administrated by the RI League of Cities and Towns has saved the Town of Jamestown over two hundred thousand dollars in reduced municipal power costs through the bulk purchase of electricity from 1999 to the present.

The Town Administrator stated that as outlined in a memorandum from the League’s Executive Director, the volatility of the energy markets and rapidly fluctuating prices necessitates decisive and swift action to make a beneficial contract purchase. Because this type of purchase deviates from the established municipal contract award procedure, the League is requesting that each elected Council pass a resolution granting the Executive Director of the League to:

1. act as their official agent to negotiate an energy supply contract on their behalf; and
2. have the limited, lawful authority to bind each member of the program to the electricity contract which is negotiated.

The Council discussed the cost savings to the Town and the need to continue with the reduction in standard pricing. However, the Council expressed great concern that out of thirty-six cities and towns included in the membership for REAP and affected by the multi-million dollar contract, there would be only one individual making the decision. Rather, the Council favored the Executive Director sharing the decision making with the President of the League.

It was the consensus of the Council that the Town Administrator prepare an amendment to the “*Authorization to Act as Agent*” for the Council’s consideration at the meeting of the Board of Water and Sewer Commission on July 21, 2008.

EXECUTIVE SESSION

It was moved by Councilor Kelly, seconded by Council President DiGiando to enter into executive session at 9:15 p.m., pursuant to RIGL 42046-5 (a) (2) litigation regarding pending litigation with David W. Thurston.

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 session at 9:24 p.m., it was moved by Councilor White, seconded by Councilor Sutton to seal the executive session minutes from the public. It was voted, Councilor Kelly, aye; Councilor Sutton, aye; Councilor Szepatowski, aye; Councilor White, aye; Council President DiGiando; aye.

Council President DiGiando announced that there were no votes taken in executive session.

ADJOURNMENT

There being no further business before the Council, it was moved by Councilor White, seconded by Councilor Kelly to adjourn the Council meeting at 9:25 p.m. So unanimously voted.

Attest:

Arlene D. Petit
Town Clerk

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