

**TOWN OF JAMESTOWN  
TOWN COUNCIL MEETING  
for  
TOWN, WATER AND SEWER MATTERS**

Monday, July 16, 2007

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Melrose Avenue School, Multi-Purpose Room, 76 Melrose Avenue at 7:00 PM by Commission President David Long.

The following members were present:

Vice-President, Julio DiGiando  
William Kelly  
Michael F. Schnack

Also present were:

Bruce Keiser, Town Administrator  
Steven J. Goslee, Public Works Director  
Peter D. Ruggiero, Town Solicitor  
Denise Jennings, Water and Sewer Clerk

Absent:

Commissioner Barbara A. Szepatowski

**AWARDS, PRESENTATIONS AND ACKNOWLEDGMENTS**

(None scheduled)

**READING AND APPROVAL OF MINUTES**

1) 06/18/07 (regular meeting)

Motion was made by Commissioner Kelly, seconded by Commissioner Schnack to accept the 06/18/07 regular meeting minutes. So unanimously voted.

**OPEN FORUM**

1) Scheduled requests to address:

(None scheduled)

2) Non-Scheduled requests to address:

(None)

**REPORT OF TOWN OFFICIALS**

The Public Works Director reported the following:

1) **Pumping Report:**

- Pumping was up for the month of June, compared to last year.
- Rainfall was down for the month of June.
- Color level is up.
- North Reservoir is down 15 inches and is @ 51MG, usable storage-60MG

- o South Pond is @ capacity, usable storage-7MG.
- 2) **Town project reports:** (See Project Update Report dated June 2007)
  - 3) Status report re: backflow prevention requirements (cont. from 06/18/07)
- No action taken.

The Commission asked for clarification on a few items as reported by the Public Works Director

### LETTERS AND COMMUNICATIONS

- 1) Letter from Michael Casey, Mother of Life Center re: request for permission to erect an **antenna on the water tower for FM frequency**

Town Administrator Keiser reported that this is a letter of interest to erect an antenna on the water tower. Michael Casey, Member of the Board of Directors (Mother of Life Center) and David O'Connell, Director of the Mother of Life Center were present. Mr. O'Connell reported that last year the FCC made available a frequency for radio channels and that the Mother of Life Center made application for one of the frequencies. Mr. O'Connell stated that the Center would like to put an antenna on the Jamestown Water Tower. Commission President Long asked Mr. O'Connell for clarification regarding what type of agency the Mother of Life Center was. Mr. O'Connell stated that it is a pregnancy agency for mostly low income mothers. Commission President Long asked for clarification regarding the type and length of broadcasting. Mr. O'Connell stated that they propose to broadcast Christian radio for approximately 18 hours a day. Commissioner Kelly advised Mr. O'Connell that even though this agency is a non-profit organization there is a monthly rental (\$2,300+) fee associated with erecting an antenna on the water tower. Commission President Long stated that some residents have expressed their concerns about the magnetic transmission issue and reported that the Town Solicitor is currently reviewing this matter. Mr. O'Connell stated that it would be a low power 400 watt antenna, which is less than 5 feet high and would supply a good transmission line-of sight.

Commissioner Schnack asked for clarification regarding the distance of the signal. Mr. O'Connell stated that according to the FCC they must make this available to Jamestown and it may go as far as Newport. Commission President Long stated that he would like to get clarification from the Solicitor regarding magnetic transmission and would like to continue this matter to the next meeting Water and Sewer meeting on 08/20/07. The Solicitor stated that he would review this matter.

Commissioner DiGiando asked Mr. O'Connell if his group had spoken to the RI Turnpike & Bridge Authority regarding installation of an antenna on their property. Mr. O'Connell stated that they had spoken to the RITBA; they denied their request and that they only have state and federal towers.

Commission consensus: To continue the communication from Michael Casey, Mother of Life Center re: request for permission to erect an antenna on the water tower for FM frequency to the next Water and Sewer meeting on 08/20/07.

### UNFINISHED BUSINESS

- 1) Application of Frank Henderson (Plat 8, Lot 322; 27 Luther Street) **for utility (water and sewer) service expansion/change of use** (cont. from 06/18/07)
  - a) Letter of concern dated 06/02/07 from Roger and Maryjane Lavalley (20 Luther Street) (cont. from 06/18/07)

Commission consensus: To continue the application of Frank Henderson (Plat 8, Lot 322; 27

Luther Street) for utility (water and sewer) service expansion/change of use to the next Water and Sewer meeting on 07/16/07, as requested by the applicants attorney.

Mr. Lavallee asked for clarification regarding the number of times that an application can be continued, as he has rescheduled many personal matters to attend meetings. Commission President Long stated that there's no deadline for someone to remove something from the agenda and suggested that Mr. Lavallee call the Water and Sewer Clerk prior to the next meeting to get a status of this application.

- 2) Letter from Alec Broers (32 Mount Hope Avenue-second unit) re: **sewer hook-up fee** (cont. from 06/18/07)

No action taken.

- 3) Review of **Town Office** site (44 Southwest Avenue) for **future disposition**. (*per Councilor Kelly*) (cont. 06/18/07)

The Town Administrator reported that Church Community Housing has not received the final word on funding as of this date. Following brief discussion, it was the consensus of the commission to continue this matter to the next Water and Sewer meeting on 08/20/07.

### **NEW BUSINESS**

- 1) Application of Colognese, Andrea et Carella, Doriana dba Village Hearth Bakery (2 Watson Ave.; Plat 8, Lot 179) for **utility service expansion/change of use**

Doriana Carella reported that she and her husband Andrea Colognese own Village Hearth Bakery and would like expand the business portion of the building into a sit down café into the residential portion of the building.

Commission President Long asked the Public Works Director if he had any questions or concerns regarding this application. The Public Works Director stated that he had included a memorandum in the Commissions meeting packets regarding the application. He briefly outlined his memorandum as follows:

- The business is currently considered as a home occupation and requires tenancy.
- Similar food service establishments have the following yearly usage:
  - Ace's Pizza-41,000 gallons
  - House of Pizza-62,000 gallons
  - East Ferry Deli-67,000 gallons
  - Slice of Heaven-186,000 gallons
- The regulations call for the applicant to use no more than their last 3 year average or the amount used by a one or two-family house.
- The average consumption for the last 3 yeas is 40,000 gallons per year. The two-family average is 28,000 gallons per unit or 56,000 gallons. The single family average is 37,000 gallons.

Mr. Colognese stated that the only reason their annual usage was over, was that they had a toilet leak a few years ago and that if you isolate this issue their annual usage would be within the range.

Commission President Long asked the Solicitor for clarification regarding what direction this application should take. The Solicitor stated that it does not matter and that the applicant still needs to go before the Planning Commission and the Zoning Board of Review. Ms. Carella stated that she was told that she must obtain water approval first.

Commissioner Schnack asked for clarification regarding the type of zoning is at this location. Ms. Carella stated that it will be strictly commercial use and the annual use will be less than the

commercial and residential unit together as it currently exists. Commission President Long asked the Public Works Director for clarification regarding the number of meters that would be required for this property. The Public Works Director reported that only one meter would be required, if it was made into one unit. Brief discussion ensued regarding which steps the applicant should take first and the water usage for similar food service establishments.

Commissioner Kelly asked for clarification regarding the number of days the applicant proposes to be open for business. Ms. Carella stated that their schedule revolves around their children. Ms. Carella further stated they are currently open 3 days a week to the public; but work 5 days a week and plan to keep this schedule until their children get older. Commissioner Kelly stated from what he sees their usage will be lower. Commissioner Kelly further stated that it appears as though the applicant is getting bounced back and forth between department and that he is willing to grant the application tonight.

Commission President Long stated that he is not willing to grant the application tonight and that he prefers that the applicant go to the Zoning Board of Review first, which he feels is the biggest hurdle.

Commissioner Schnack stated that he is not comfortable granting the application tonight and suggested that the applicant get Planning and Zoning approval first. Commissioner Schnack further stated that he would like to see a more developed plan.

Ms. Carella stated that they are very cautious about water usage and if the Commission set a restriction they would try to follow it. Commission President Long stated that he would like to see a concrete plan from Planning and Zoning before making a decision. Commissioner Kelly agreed with Commission President Long.

Commission consensus: To place this item back on the Water and Sewer meeting agenda, following the applicants visit with the Planning and Zoning department and at the applicants request. The Solicitor stated that the Planning and Zoning departments can give approval subject to water.

**2) Application of Tutsch, Rosemary (Owner: Linda Brown) (123A Narragansett Ave.; Plat 9, Lot 12) for utility service expansion/change of use**

Ms. Tutsch reported that she is currently working at Cathryn Jamison's Salon in Jamestown; would like to open her own business at 123A Narragansett Avenue and that she proposes to have two stations with one sink.

Commission President Long asked the Public Works Director if he had any questions or concerns regarding this application. The Public Works Director stated that he had included a memorandum in the Commissions meeting packets regarding the application. He briefly outlined his memorandum as follows:

- The building currently has three units at this location and one meter.
- The regulations call for the applicant to use not more than their last 3 year average or the amount used by a one or two-family house.
- The average consumption for the last 3 years is 48,150 gallons per a year. The two-family average is 28,000 gallons per unit or 56,000 gallons.
- The application indicates an additional 13,700 gallons per year. 48,150 gallons plus an additional 13,700 equals 61,850 gallons, which is more than the regulations allow.
- If the application is granted, the units should be required to be metered individually.

Ms Tutsch reported that currently there is a residential unit on the second floor, a spa in the rear of the first floor and a retail handbag store in the front of the first floor. Ms. Tutch stated that her business would replace the handbag store. Ms. Tutsch further reported that she had based her proposed usage on the usage at Anita Haircuts, which also has two stations and one sink.

Discussion ensued as to how to back out usage for the handbag store and the spa. Commissioner Kelly asked for clarification as to what type of business was conducted in the spa. Commission consensus: To ask the applicant to gather information on water usage from similar sized spas to make a comparison and to continue the application of application of Tutsch, Rosemary (Owner: Linda Brown) (123A Narragansett Ave.; Plat 9, Lot 12) for utility service expansion/change of use to the next Water and Sewer meeting on 08/20/07.

3) **Recommendation for award of contract to Weston and Sampson CMR, Inc for the Water Systems Improvements/Water Treatment Plant**

Town Administrator Keiser reported that he was very pleased with the 5 bids that were received and the recommend low bidder was Weston & Sampson CMR, Inc. Following clarification of a few items, motion was made by Commissioner Schnack, seconded by Commission President Long to award the bid for the Water Systems Improvements/Water Treatment Plant to Weston and Sampson CMR, Inc. in an amount not to exceed \$3,836,000. to be financed by Bonds and Notes, as recommended by the Town's consultant Fay, Spofford & Thorndike. So unanimously voted.

Commissioner Kelly asked for clarification regarding who will be overseeing the project. The Public Works Director stated that it would be himself and FST.

### **BILLS AND PAYROLL**

Motion was made by Commissioner DiGiando, seconded by Commissioner Schnack to approve the Water Division Bills and Payroll. So unanimously voted. Motion was made by Commissioner Schnack, seconded by Commissioner Kelly to approve the Sewer Bills and Payroll. So unanimously voted.

### **TOWN BUSINESS**

1) Award bid for **Professional Surveying Services for Farmland**

Town Administrator Keiser reported the following:

- This item was placed on the agenda with hopes to award it this evening.
- The bids were received on Friday (07/13/07) and that the lowest bidder was Northeast Engineers.
- The Town Planner has not yet had a chance to check references.

Town Administrator Keiser suggested that the award for Professional Surveying Services for Farmland be continued to the next Town Council meeting on 05/23/07. Commission consensus: To continue the award of the bid for Professional Surveying Services for Farmland to the next Town Council meeting on 05/23/07, as recommend by the Administrator.

2) **Executive Session:**

a) Executive Session Announcement

i) Pursuant to RIGL 42-46-5 (a)(2) (*collective bargaining*)

Motion was made by Commissioner Schnack, seconded by Commission President Long to move into Executive Session at 8:01 PM pursuant to RIGL 42-46-5 (a)(2) (*collective bargaining*).

The vote was, Commission President Long, aye; Commissioner DiGiando, aye; Commissioner Kelly, aye; Commissioner Schnack, aye. Motion so unanimously voted.

The Commission returned to regular session at 8:24 PM.

Motion was made by Commissioner DiGiando, seconded by Commissioner Schnack to seal the minutes of the Executive Session. The vote was, Commissioner President Long, aye; Commissioner DiGiando, aye; Commissioner Schnack, aye; Commissioner Kelly, aye. Motion so unanimously voted.

**ADJOURNMENT**

There being no further business before the Commission, motion was made by Commissioner Schnack, seconded by Commissioner Kelly to adjourn the meeting at 8:26 PM. So unanimously voted.

Attest:

Denise Jennings  
Water and Sewer Clerk

xc: Commission Members (5)  
Town Administrator  
Town Solicitor  
Public Works Director  
Town Clerk