

**TOWN OF JAMESTOWN
BOARD OF
WATER AND SEWER COMMISSIONERS**

Monday, March 17, 2003

A regular meeting of the Jamestown Town Council sitting as the Board of Water and Sewer Commissioners was called to order at the Jamestown Philomenian Library, Conference Room, 26 North Road at 7:02 PM by Commission President Guy Settipane. The following members were present:

David Swain, Vice-President
Kenneth G. Littman
Norma Willis

Also present were:

Maryanne Crawford, CPA, Town Administrator
Steven J. Goslee, Public Works Director
Denise Jennings, Assistant Finance Director/Water and Sewer Clerk

Absent were:

Commissioner David Long
Douglas DiSimone, Esq., Town Solicitor

READING AND APPROVAL OF MINUTES

1) 02/18/03 (regular meeting)

Motion was made by Commissioner Willis, seconded by Commissioner Swain to accept the minutes of 02/18/03. So unanimously voted.

REPORT OF TOWN OFFICIALS

1) **Pumping Report:**

Mr. Goslee reported the following:

- Pumping was up slightly for the month of February. Some breaks had been found and a few seasonal customers had found leaks.
- Rainfall is up.
- Reservoir level is at capacity.

2) **Town project reports**

Town Wells:

Mr. Goslee reported the following:

- JR-5-George Gifford will be preparing a CRMC wetland application for pump test and monitoring well installation.
- JR-6-RIDOH will be forwarding their written response to our application within the next week and that the Town will be required to tie the water directly into the treatment plant and not directly into the system. CRMC will start review of our application this week.

North/South Pipeline:

Mr. Goslee reported that NRCS is currently preparing their report.

Aeration System:

Mr. Goslee reported that the Aeration System has been set up for the season and will go into operation in April.

Beavertail Road water line replacement:

Mr. Goslee reported that project is on hold due to weather and that work may begin within the next few weeks.

Expansion of South Pond:

Mr. Goslee reported the following:

- Warren Hall is working on the design for drainage of the spillway.
- CRMC maintenance certificate will be required.
- Anticipates the work to be completed this summer.

Mr. Goslee reported that leak detection with Atlantic Rural States will resume in early May. He further reported that a major leak was recently discovered on Lawn Avenue and that the valve has since been repaired.

Sewer Plant Rehabilitation:

Ms. Crawford reported the following:

- Due to the weather no work has been done and that flow isolation will begin shortly.
- A date would need to set for the final public hearing on the Facilities Plan Update. Ms. Crawford recommended that the hearing date be set for April 10th as Siegmund and Associates would not be available from March 27 through April 7th.
- Bond issue will be on for the May election.
- Would like to have an educational work session with Siegmund and Associates and RI Clean Water Finance Agency. Ms. Crawford stated that this educational work session worked well last time and helped with getting the bond issue passed.

The Commission asked for clarification on a few items as reported by Mr. Goslee and Ms. Crawford.

LETTERS AND COMMUNICATIONS

(None scheduled)

UNFINISHED BUSINESS

1) Review next step for **desalinization plan** (continued from 02/18/03)

Commission President Settupane stated that a report is due from the consultant by the end of this week. Commission consensus: To continue discussion on the desalinization plan to the next Water and Sewer meeting on 04/21/03.

2) Review **rate schedule**-specifically Town of Jamestown vs. Block Island (continued from 02/18/03)

Commission consensus: To discuss this item following discussion on the application of Steven Liebhauser dba Slice of Heaven.

3) Application of Steven Liebhauser dba Slice of Heaven (Plat 8, Lot 164; 32 Narragansett Avenue) for **expansion/change of use**. (continued from 02/18/03)

John A. Murphy, Esq. stated that he was present to represent the application of Steven Liebhauser dba Slice of Heaven. Mr. Murphy stated that this application before the Commission falls under Section 14A, III (page 7) of the Rules and Regulations of the Board of Water Commissioners. Mr. Murphy stated that his client is currently before the Zoning Board of Review and would like to bring the building out forward to cover the outdoor seating over permanently and that this seating already exists during the summer season. Mr. Murphy referred to a memo from the Public Works Director to the Commission regarding the average and current usage for those on the municipal water system. Mr. Murphy then turned the discussion over to Mr. Liebhauser.

Mr. Liebhauser: I own the business with his wife. It is hard to make a living with a restaurant, especially in the winter. I would like to expand out of the front of the building to enclose the seating area, which already exists outside. It is my experience to date, that on a rainy day customers come in and see the small amount of seating and walk right back out. This is very disappointing. I would like to supply seats to those customers. Mr. Liebhauser: I anticipate expansion of use to occur in the fall and early spring. I stopped doing dinners after Labor Day. It was painful to turn customers away when there was no seating available. Mr. Murphy: What conservation measures have you taken? Mr. Liebhauser: I have installed a water saving dishwasher, which uses 3 gallons per a cycle and reuses water for the next cycle. I know that my usage is up. I am putting everything into this business to make it a nice place for people to come. I have a vision to do this for the next 10-20 years, but not the same way that I am doing it now. Mr. Murphy: Are you prepared to use rainwater with cisterns? Mr. Liebhauser: Yes, Ms. Meagher is currently working on this.

Mr. Liebhauser further stated that he is looking into installing a well for the apartment, but not for the restaurant; restrictions for public transient uses are tremendous.

Mr. Murphy: With respect to construction project, are you prepared to incorporated into the property whatever additional sources of water such as rain water, ground water as part of moving forward with your plans? Mr. Liebhauser: Yes, I am working with Ms. Meagher. Mr. Murphy: Are you prepared to if the Board sees fit to grant your application, to live within a cap on your water purchases from Town of Jamestown at your existing water use at this time? Mr. Liebhauser: Yes. Mr. Murphy: Do you have any understanding as to why the apartment uses so much water? Mr. Liebhauser: No I do not. The plumbing in the basement is confusing. It could be that water from my shop is running through that line also. Mr. Murphy: Are you willing to cap both meters in that building? Mr. Liebhauser: Yes. Mr. Murphy: Our proposal is that we are not seeking to increase our usage. We are willing to be capped at current use. We are willing to work on resolving the apartment usage issue and bring it down to the average. Mr. Murphy stated that in his opinion 14A of the Rules and Regulations as it applies to this application would not stand a legal challenge. Commissioner Littman: What section are you referring to? Mr. Murphy: Section 14A, subsection III, which compares to a single-family house. Mr. Goslee: The correspondence from the applicant states that the restaurant will go from 25 seats to 61 seats, with an expansion of the building to the west. The regulations state that the applicant has to show with the satisfaction of the Commission that the expansion/change of use will not result in an annual consumption of water greater than the greatest amount of water consumed at the premises within any one of the three years immediately prior to the year of the application. We did not get any calculations from the applicant as to what they anticipate their consumption would be in regards to that. The regulations state that we compare to a single-family average, this application does not meet this test. Short discussion followed regarding current usage and zoning. Mr. Murphy restated that the applicant if willing to have his usage capped at current usage. Mr. Goslee recommended that restrictions be set on the applicant. Following short discussion regarding the existing rules and regulations, motion was made by

Commissioner Littman, seconded by Commissioner Willis to approve the application of Steven Liebhauser dba Slice of Heaven (Plat 8, Lot 164; 32 Narragansett Avenue) for expansion/change with the provision that the applicants usage will be capped at 161, 000 gallons per a year. So unanimously voted.

Barbara Szepatowski owner of Paws and Claws stated the following:

- The Town should not have made a comparison to a single-family unit.
- The Town needs the businesses in the downtown area. Businesses support/contribute many different things in the town.
- A subcommittee needs to be set up to work with the businesses.

Commissioner Willis stated that this Commission is very aware of the business district and are lucky to have such a nice village area, but they are still very concerned about conservation. Short discussion ensued regarding the future of the businesses and water.

3) Review rate schedule-specifically Town of Jamestown vs. Block Island (continued from 02/18/03)

Discussion to follow under New Business-Water Budget fy 2003/2004

NEW BUSINESS

1) **Water Budget** fy 2003/2004

Commissioner Swain stated that he would not like to wait to review the rate structure as recommended and budgeted by the Town Administrator in the Water Budget fy 2003/2004 under capital improvements. Discussion followed regarding the Commission's review of the rate structure and Water Budget as presented by the Town Administrator.

Following discussion, the consensus of the Commission was to continue discussion on the Water Budget fy 2003/2004 to the next meeting on 04/21/03 and to ask the Town Administrator to do the following:

- To revamp the rate structure, with focus on the heavy users.
- To include a 5-year capital improvement plan.
- To include a penalty provision for those who go above cap.
- To explore funding options and to send a letter to our representatives to ask what funding might be available.

2) **Sewer Budget** fy 2003/2004

Commissioner Swain asked for clarification on a few items. Following no additional comments from the Commission, motion was made by Commissioner Littman, seconded by Commissioner Willis to adopt the Sewer Budget fy 2003/2004 as presented by the Town Administrator. So unanimously voted.

Public Hearing re: Draft of the **Facilities Plan Update**:

Motion was made by Commissioner Willis, seconded by Commission President Settipane to set the date of the Public Hearing for the Draft of the Facilities Plan Update for April 10, 2003 and to set up an educational work session for 04/21/03 as recommend by the Town Administrator. So unanimously voted.

BILLS AND PAYROLL

Commissioner Willis asked Ms. Crawford for clarification regarding labor/equipment expenses charged to the Water Department. Ms. Crawford stated that she would look into this issue. Motion was made by Commissioner Willis, seconded by Commissioner Swain to approve the Water Bills and Payroll. So unanimously voted.

Motion was made by Commissioner Willis, seconded by Commissioner Swain to approve the Sewer Bills and Payroll. So unanimously voted.

TOWN BUSINESS

(None scheduled)

ADJOURNMENT

There being no further business before the Commission, motion was made by Commissioner Willis, seconded by Commissioner Littman to adjourn the meeting at 8:24 PM. So unanimously voted.

Attest:

Denise Jennings
Assistant Finance Director/Water and Sewer Clerk

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