TOWN COUNCIL

JAMESTOWN, RHODE ISLAND

January 27, 1992

A regular meeting of the Jamestown Town Council was called to order at the Town Hall, 93 Narragansett Avenue, at 7:31 PM by Council President Sandra J. Bouchard. The following members were present:

Ellicott Wright, Vice‑President

Mark E. Liberati

Mary E. Meagher

Paul A. Robertson

Also present were:

 Robert W. Sutton, Jr., Town Administrator

 Theresa C. Donovan, CMC, Town Clerk

 Steven J. Goslee, Public Works Director

(Absent: Quentin Anthony, Esq., Town Solicitor)

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Council President Bouchard: Council will address a letter of resignation from Quentin Anthony, Esq. as Town Solicitor dated January 15, 1992. Motion by Councilor Meagher, seconded by Councilor Robertson to accept his letter of resignation as Town Solicitor dated January 15, 1992, excepting that his statement that he has "been asked by the Town Council for [his] resignation" is incorrect inasmuch as the members of the Town Council have never participated in a vote to ask for his resignation, and to acknowledge his otherwise very gracious letter and to thank him for your service to this Council and to the Town of Jamestown. Councilor Liberati: That does not deal with who, in fact, did discuss this matter with Mr. Anthony and why I was not included. Council President Bouchard: I did not participate in any vote and the first vote I will participate in is tonight. Councilor Wright: Neither have I, but I came to believe that if it came to a vote, he would not have the votes. Councilor Liberati: That still does not answer the question. Motion so voted by four in favor, none opposed, Councilor Liberati abstaining. Motion by Councilor Meagher, seconded by Councilor Robertson to appoint James A. Donnelly, Esq. as Town Solicitor. Councilor Liberati: It is inappropriate for this Council to appoint Mr. Donnelly; obviously, discussion took place prior to this meeting; there has been no discussion of qualifications or fees; the RI Bar Association should be contacted; this constitutes action of the Council to exclusion of the Republican member of this Council. Motion so voted by four in favor, Councilor Liberati opposed. Mr. Donnelly was present and was called to the Council table by Council President Bouchard, who then administered the oath of office to Mr. Donnelly.

SITTING AS ALCOHOLIC BEVERAGE LICENSING COMMISSION

1. Application of D M Conanicus Corp., dba Marina Cabaret, 53 Conanicus Avenue (Unit 1‑R) for a Class B‑victualer license

Ms. Donovan: Previous Council has set limits on certain classes of alcoholic beverage licenses, which may affect this application. Motion by Councilor Meagher, seconded by Councilor Robertson to advertise the application of D M. Conanicus Corp. for hearing on February 24. So voted.

Motion by Councilor Meagher, seconded by Councilor Robertson to request an opinion from the Solicitor regarding the availability of licenses in this class. So voted.

CONSENT AGENDA

Motion by Councilor Meagher, seconded by Councilor Robertson to accept the consent agenda. Councilor Meagher: Please remove item #2. Motion so voted. The amended consent agenda consisted of:

 1) Adoption of Minutes:

 a) 10/07/91 (special meeting)

 b) 10/21/91 (special meeting)

 3)Copy of letter and minutes from Middletown Economic Advisory Committee (12/05/91)

 4)Copy of minutes of 12/18/91 Planning Commission meeting

 5)Copy of minutes of 11/19/91 Conservation Commission minutes

 6)Letter and Resolution from Newport City Council re: funding for RI Municipal Police Academy

2) Bills and Payroll: Councilor Meagher (to Mr. Sutton): What is the payment to Kingstown Liquor Mart under Recreation Department? Mr. Sutton: It is for soda; they offered the best prices for an event they were having. Motion by Councilor Meagher, seconded by Councilor Robertson to accept Bills and Payroll. So voted.

EXECUTIVE SESSION

Motion by Councilor Meagher, seconded by Councilor Robertson to enter executive session as scheduled to speak to the new Solicitor. Councilor Liberati: What reason does that fall into under the Open Meetings Act? Council President Bouchard: Litigation. Motion by Councilor Meagher, seconded by Councilor Robertson to amend the motion to include discussion of litigation. So voted.

PUBLIC HEARINGS

(none scheduled)

OPEN FORUM

1. Scheduled Requests to Address

Donna Drago: (Read from a children's book a quotation about responsible dog ownership); when a dog acts up, it is the dog that gets punished; the owners should be held more responsible; a dog's territory should be limited; elderly, children, motorists, bicyclists, etc. are all affected by packs of loose dogs; I have submitted proposed rules and regulations to the Council which I think could improve the situation. Motion by Councilor Meagher, seconded by Councilor Robertson to forward Ms. Drago's recommendations to the Dog Officer for review, and to schedule a personnel session the Dog Officer for next meeting. Councilor Wright: Ms. Drago's request is not unrealistic; (to Ms. Drago) please plan to be here at the next meeting. Ms. Donovan: Will the personnel session be in regular or executive session? Council consensus: regular. Motion so voted.

2) Non‑Agenda Requests to Address

Council President Bouchard stated the Open Forum rules: thirty‑minute limit on each section (scheduled and unscheduled); each person three minutes.

Ellen‑Mary McDonagh: I am sorry, I arrived late; did Council accept Mr. Anthony's resignation? Councilor Liberati: The vote was four in favor, I opposed; I did not want to endorse the replacement. Ms. McDonagh: Quentin Anthony was supposedly told by this Council to either resign or be fired; that was not done by a Council vote, but by the Democratic Town Committee; the Council has a right to appoint Mr. Donnelly, but each Council member should have the opportunity to comment; we have submitted documents to the Attorney General's office about this; I think Councilor Liberati should have had the opportunity to talk; I am Chair of the Republican Town Committee and I can tell you that never happened when the Republicans were in office; get a grip.

William Sprague: What is Councilor Liberati's opinion? Councilor Liberati: It would seem important to Council and the voters as to what the prospective qualifications are, terms of pay, caps for various services, field of expertise, etc. This Council has never solicited other members of the bar for their qualifications; the decision to hire Mr. Donnelly seems to have been made in secret by the Democrats.

Sirje Carl: I am a Democratic Town Committee member and was at the last meeting and I did not witness any such vote as Ms. McDonagh is charging.

Carol Nelson‑Lee: There is an ISDS appeal by Thomas Grossi (see Communication #6); when it came to appeal earlier, the Town filed a motion of intervention; currently, he is requesting variances on four regulations; it is important that Council continue its position.

William Piva: As President of the local police union, will Council be asking the unions to open their contracts? Council President Bouchard: That will be addressed under the Administrator's report.

Council President Bouchard: There being no one else wishing to address the Council, open forum is now closed and will not be extended at the end of the meeting.

REPORTS OF BOARDS, COMMITTEES AND TOWN OFFICIALS

1. Town Administrator

Union Contracts: (Read a report); at its budget meeting on January 25, Council asked me to review this; all three municipal contracts will not expire until February 28, 1993; if Council wishes to renegotiate any portion of the contracts, Council must send a written request to each union (suggested wording provided). Motion by Councilor Robertson, seconded by Councilor Meagher to forward a letter to all of them and see what their response is. Councilor Wright: That should also include a response date due to the schedule we are faced with. Councilor Meagher: It should be communicated to them that this request is due to the unprecedented economic situation here in RI. Councilor Liberati: Who does renegotiating, Council orAdministrator? Council President Bouchard: Precedent is that the Administrator and one Council represent the Town. Motion so voted.

Gasoline Report: (Report submitted); on the first one, I know of no private vehicles that get gas from any Town gasoline supply; regarding procedure, there is a problem with 8:30 AM to 4:00 PM; it creates difficulty as the police and emergency vehicles operate 24 hours per day, including snow removal vehicles during snow emergencies; (current use of pump operation keys described); the current system is better than doing it manually; the Highway Department uses a particularly good log system; probably all departments should develop a system like the Highway's specific to vehicle use; the pump records monthly totals per department; mileage reimbursements for private vehicle use, that is presently the system we use; one contract calls for $.50/mile; department heads who use their own vehicle on a sporadic basis are reimbursed at $.25/mile, but we do not take mileage readings; the Building Official, Planner and Assessor currently receive $500 per year as mileage reimbursement at about $10 per week for 50 weeks per year; that is an equitable system; if department heads accept the use of using their private vehicles in the course of their required job duties, it works out well; regarding Town owned vehicles, the Highway Superintendent, Police Chief and Administrator have a car or truck that they take home; my understanding is that all police chiefs have use of a vehicle; a new pump could bring the accounting to the next level, which uses a credit card type system, and would record gallons used by the individual, vehicle and time of day. Councilor Robertson: What is cost of a new pump? Mr. Goslee: The multiple key pump we have now was about $3‑4,000. Mr. Sutton: This would probably be more expensive; none of us wants anyone to think we are abusing a Town privilege; the Police Chief's use has to be looked at completely different; his vehicle is equipped so that he can be in constant contact with the police station; I suspect the price of the other pump would be about $6‑7,000. Councilor Robertson: With these difficult economic times, it raises question of gasoline use. Motion by Councilor Robertson, seconded by Councilor Meagher to adopt the gasoline policy as proposed by Council President Bouchard. Councilor Meagher: An additional weekend emergency key should be available at the police station. Mr. Sutton: If there is a specific problem, then we should address it rather than crippling other departments; perhaps you could address the perception, but not necessarily change procedure. Council President Bouchard: This issue came up quite a while ago; highway and police emergency vehicles can be dealt with differently; as an overall examination of cost effectiveness, we need to get some kind of handle on it; I cannot support buying another pump; I am not singling out anyone; the reports could show if something is wrong with a particular vehicle resulting in it using more gasoline that usual. Mr. Sutton: I suggest placing a log in all vehicles similar to what the Highway Department does for submission and reconciliation at the end of the month; that can be reviewed monthly by the Administrator. Council President Bouchard: I am willing to combine my proposal with your suggestions and expand the policy to all departments. Mr. Sutton: I will prepare a memorandum to all departments to that effect and give it to Council for review. Councilor Robertson: I withdraw my motion. Councilor Meagher: Regarding mileage reimbursement, I think you should ask those three individuals to keep track of their mileage over the next two weeks to give us an idea if the allowance is equitable. Mr. Sutton: I will have them do that. Councilor Meagher: As to Town owned vehicles, I believe the Police Chief's car should be marked and be a viable presence in the Town; municipalities can no longer afford to give vehicle use to their executive officials. Councilor Robertson: We did not intend to point fingers at any individual, but are responding to taxpayers' questions; it is indicative of the times; any changes made will affect everyone, not just one or two individuals. Mr. Sutton: None of us wants to be associated with inappropriate behavior or even the perception of it; I will do whatever we need to do to avoid that; we do not want people to think that of us; we want you to feel confident; I will submit proposals to you. Council President Bouchard: Only Town vehicles should obtain gas; for the Fire Department, only the marked Chief's car. Mr. Sutton: At one point, the volunteer department did allow individuals to obtain gas occasionally; that practice has been discontinued.

Department Reports: (Noted); regarding the Planner's report about application #91‑75, for a proposed alteration at the intersection of Wright lane, I urge Council to be as persistent as it has been in the past. Councilor Meagher: The meeting is on the 30th. Mr. Sutton: It would be a good idea if the Solicitor accompanied the Building Official to that meeting. Motion by Councilor Meagher, seconded by Councilor Robertson to direct the Solicitor to attend that meeting. So voted.

2) Town Clerk:

Conservation Commission: Regarding the appointments made by Council on January 13, the terms of the reappointed members are clear, but we need clarification of the terms of the two newly created positions to maintain staggered terms. Motion by Councilor Meagher, seconded by Councilor Robertson that both new terms expire in December, 1993. Ms. Donovan: I spoke to the Commission Chair and he agreed with that schedule. Motion so voted.

Financial Town Meeting: RI Public Law 75‑79 states that the FTM shall be held on the first Monday in March at 8:00 PM; last year, prior Council voted to begin the meeting at 7:30 PM, but that probably should be avoided until the law can be amended, if that is the Council's wish. Councilor Robertson: I think more people would be able to attend if the meeting was held on a Saturday. Ms. Donovan: If Council wants to amend the law, a proposal would have to be submitted to the General Assembly and approved by February 6 in order to be effective for this meeting. Motion by Councilor Robertson, seconded by Councilor Meagher to put this on the next agenda for discussion. So voted.

Warrant Items: The deadline for submission of warrant items is February 6. Motion by Councilor Meagher, seconded by Councilor Wright that Council meet on February 3 to review and develop warrant items. Councilor Liberati: My opinion is that this FTM should include a question regarding the expenditure of funds from accounts such as the golf course account; we should not leave that until then; the Solicitor should begin working on that now. Motion so voted.

License Violation: We have a license holder that is not in compliance with Council's vote; the license renewal had been granted contingent upon resolution of taxes; arrangements were made with the Tax Collector, but it has been brought to my attention that those arrangements have not been met; the next licensing period is approaching and I need guidance as the licensing clerk. Council President Bouchard: Put that on the February 10 agenda for action, if necessary.

3) Planning Commission

Capital Development Plan: Mr. Sutton: The Planning Commission did go through that document with me; that is part of the process in going to the Council.

Planner's Position: Council President Bouchard: Forward the Chair's letter of support for the position to the budget meetings.

4) Housing Authority: Motion by Councilor Meagher, seconded by Councilor Robertson to appoint George R. Levesque to the Housing Authority. So voted.

5) Personnel Board: Councilor Liberati: I think we should defer decision until Fred Clarke is given a personal telephone call to see if he is still interested. Council President Bouchard: I have no problem deferring this,but the Clerk should send him a letter just in case he is away.

Tax Assessment Board of Review: Motion by Councilor Meagher, seconded by Councilor Robertson to reappoint F. Gavin Fitzgerald, Clifton r. Largess and Joseph Morris. So voted. Councilor Liberati: We should also send a letter of thanks to all applicants. Ms. Donovan: That is standard procedure for all.

UNFINISHED BUSINESS

1) Proposed Gasoline/Mileage/Vehicle Policy: (Already addressed)

2) Harbor Management Commission: Ms. Donovan: Council had referred this to the Solicitor for opinion on the expiration of terms; no response was received. Council consensus: Continue to February 10 to allow for Solicitor's review.

3) Town Administrator Selection: Mr. Sutton: I have sent for more detailed information. Council President Bouchard: Give Mr. Sutton a copy of what we have received (Councilor Liberati gave Mr. Sutton his copy).

4) North Road Public Hearing: Mr. Sutton: North Road is a local road; RIDOT is willing to cooperate with the Town to meet the Town's concerns and needs while also meeting its criteria; prior to scheduling an actual public hearing, I would suggest Council, the Planner and I sit down with RIDOT and see where any areas of compromise may lie. Council President Bouchard: Also, I have a letter from "Jamestowners for a Sensible North Main Road"; could you and the Planner meet with them prior to our meeting with RIDOT? Mr. Sutton: Sure, but we will schedule the meeting for the middle of the day sometime and will advise you; there is no public hearing scheduled to date; we need to develop some preliminary information first.

5) Golf Course Irrigation Bid: Councilor Meagher (to Mr. Sutton): That lease will come due in 1997; we currently set aside $10,000 per year in a golf course account and apply $20,000 to debt service; also they must provide $5,000 in improvements annually; do they provide you with a list? Mr. Sutton: They gave one last year that will finish up through their lease; I will give you a copy; this will be the first year to reflect the cost of living increase. Councilor Meagher: Is the FmHA grant application tied to the composting project? Mr. Sutton: We estimated both the composting and irrigation projects at $155,000 total, because FmHA will give us 55%; we were being generous because I do not know the actual costs yet; Mr. Goslee estimates $70,000 for composting; we generally estimated the irrigation at $80,000, but it will probably be less; a feasibility study will give us a legitimate cost estimate. Councilor Meagher: At that time, we will have to give serious consideration as to whether or not we want to do it. Motion by Councilor Meagher, seconded by Councilor Robertson to accept John Caito's bid for $2,400 as the low bidder to move forward on a feasibility study. Councilor Liberati: I thought we were going to wait for FTM warrant authorization to use funds in these accounts. Councilor Meagher: I would be happy to wait, but I support the feasibility study; I withdraw my motion.

6) Route 138 Connector Road: Councilor Meagher: I have a proposed letter to send to the RI Historical Commission (read aloud at last meeting); they have veto power over RIDOT's proposal; this letter reiterates Council's position. Motion by Councilor Meagher, seconded by Councilor Wright to send this to them. Councilor Liberati: In my mind, this constitutes an attempt to stop this road by taking advantage of the veto power of the Commission; by sending this letter we could be sending an absolute veto message and may send this road into "veto heaven" and the road will never be built. Councilor Wright: I do not think this would do that; the Historical Commission and RIDOT are discussing three different scenarios for the median divider; this letter is consistent with the resolution we adopted unanimously. Motion so voted by four in favor, Councilor Liberati opposed.

Dutch Harbor Boat Yard: Councilor Meagher: I request a meeting with the Solicitor, Frederick Lorenson and a member of the Harbor Management Commission. Councilor Liberati: The Solicitor should speak with Mr. Lorenson's attorney. Councilor Meagher: The Commission has proposed changes to the lease; the renewal request was late; the Enterprise Committee has proposed changes as well; the consumer price index has not been tabulated and should be reviewed at this time. Councilor Liberati: Does this Council acknowledge that we have a valid lease? Councilor Meagher: I am not sure that we have; we have not received payment. Councilor Liberati: I thought that issue of lateness and extension had been addressed; it is incumbent upon this Council to determine whether or not we acknowledge the existence of this lease. Motion by Councilor Meagher, seconded by Councilor Robertson to send a copy of the lease and our questions to the Solicitor for review. So voted.

RI Turnpike and Bridge Authority: Motion by Councilor Robertson, seconded by Councilor Meagher to ask the Solicitor to draft a resolution regarding payment in lieu of taxes for Council's review and forwarding to Rep. Levesque and Sen. Carlin. So voted.

COMMUNICATIONS

1) Letter from Jamestown Boat Yard re: repair of sewage system (RIDEM violation): Council consensus: forward a copy to the next Water and Sewer Commissioners' agenda and the Town Planner.

2) Letter from JDL Enterprises re: consulting services for zoning revisions: (no action)

3) Petition (41 signatures) re: Cyril Joyner's property (Route 138 Connector Road): Councilor Wright: Mr. Joyner met with RIDOT; the Jamestown Design Study Committee will receive a revised drawing for discussion.

4) Letter from H. W. Dutton re: Minimum Housing Inspector position: Council President Bouchard: Give a copy to Mr. Sutton for the file.

5) Letter from Meredith & Clarke, Inc. re: municipal insurance: Mr. Sutton: I sent a copy of that to the League of Cities and Towns for answers; I am in the process of finalizing their recommendations for workers compensation and liability; there is a significant savings that can be realized this year if the Risk Management Trust can address those questions raised in the letter; the Finance Director and I reviewed our policies with the Trust; in all instances, the Trust plan exceeds our present coverage; my report will follow.

6) Notice of RIDEM administrative hearing (2/13 and 3/2) re: application of Thomas Grossi for property at Plat 14, Lot 260, Mast Street: Motion by Councilor Meagher, seconded by Councilor Robertson to ask the Building Official and Solicitor to attend the hearing. So voted.

7) Letter from Virginia Perry re: Route 138 connector road's impact on tax base: (noted)

8) Copy of letter from Fifth Grade teachers to Chief of Police re: DARE Officer William Piva: Council President Bouchard: Forward this to the budget workshops.

9) Invitation from RIDEM to regulatory informational seminar (01/30/92): Mr. Sutton: I think the Building Official and Planner are both planning to attend.

NEW BUSINESS

Proposed Charter Amendment: Councilor Meagher: As part of the budget deliberations, this proposal asks for reconfiguration of responsibilities; it creates a department of public facilities that will combine public works and engineering (proposal read aloud); also recreation and buildings and grounds would be combined. Motion by Councilor Meagher, seconded by Councilor Robertson to put the proposal to a public hearing. Councilor Liberati: I believe this has to go before the Charter Review Commission; one currently exists as appointed by Council; above and beyond that, if this is adopted, this will eliminate a Town position; I am concerned for the morale of our employees. Councilor Meagher: I have no problem with submitting it to the Charter Commission; I withdraw my motion. Motion by Councilor Meagher, seconded by Councilor Robertson to forward the proposal to the Charter Review Committee for its next meeting on February 6. Councilor Wright: I agree that this is a necessary first step. Mr. Sutton: I would like an opportunity to discuss with Council the basic operation. Council President Bouchard: This is not a personal issue; recommendations are welcome. Motion so voted.

Site of "State" Highway Garage: Councilor Robertson: Can we have an update on the Town Garage on Narragansett Avenue? We need to get that dirt out of there to allow for paving in the spring. Mr. Sutton: The contractor will take care of that; I think the next step should be me getting bids on removal of the buried fuel tank. Councilor Robertson: I agree. Mr. Sutton: The Planner is reviewing existing trees and ideas for landscaping.

Recreation Center Renovations: Mr. Sutton: We are receiving bids for the proposed renovations, and should have close to 40 bids. Councilor Robertson: Is that consistent with time frame for completion by the end of May? Mr. Sutton: Yes.

EXECUTIVE SESSION

Motion by Councilor Wright, seconded by Councilor Robertson to enter into executive session at 9:20 PM. So voted. Council returned to regular session at 9:37 PM. Motion by Councilor Meagher, seconded by Councilor Robertson to seal the minutes of the executive session from the public. So voted.

ADJOURNMENT

There being no further business before the Council, motion by Councilor Meagher, seconded by Councilor Robertson to adjourn the regular meeting at 9:38 PM. So voted.

Attest:

Theresa C. Donovan, CMC

Town Clerk

xc: Town Council Members (5)

 Town Administrator