

TOWN COUNCIL

March 2, 2009

A regular session of the Jamestown Town Council was called to order at the Jamestown Town Hall in the Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue at 7:00 p.m. by Council President Julio J. DiGiando. The following members were present:

William A. Kelly
Barbara A. Szepatowski
Robert W. Sutton, Jr.
Michael White, Vice-President

Also present:

Bruce R. Keiser, Town Administrator
Peter Ruggiero, Town Solicitor
Heather R. Lopes, Deputy Town Clerk Pro Tem

AWARDS, PRESENTATIONS AND ACKNOWLEDGEMENTS

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 items # 2, 3(c) and 3(d) be removed from the Consent Agenda. It was moved by Councilor Kelly seconded by Councilor Szepatowski to accept the Consent Agenda as amended. So unanimously voted. The Consent Agenda consisted of the following:

- 1) Adoption of Council minutes:
 - a) February 17, 2009 (regular session)
 - b) February 17, 2009 (executive session)
- 2)
- 3) Minutes from Boards, Commissions and Committees:
 - a) Jamestown Tree Preservation and Protection (8/19/2008, 9/22/2008)
 - b) Jamestown Harbor Commission (1/14/2009)
 - c)
 - d)
 - e) Zoning Board of Review (1/27/2009)
- 4) Abatements/Addenda of Taxes
- 5) CRMC Notices:

a) March 2009 Calendar

2) Bills and Payroll

Councilor Kelly questioned the amount of the Blue Cross bill for the month. Bruce Keiser stated that this is a consistent amount that covers 57 full time employees receiving health benefits. Mr. Keiser further stated that in Jamestown approximately 60 % of town employees pay 20% co-pay for the premiums of health coverage, the rest of the employees are covered by contract exceptions but do pay a percent. This item will be taken into consideration at contract negotiation time. Mr. Keiser noted that Jamestown is one of leaders in the state for the employees paying a higher percent of health care premiums. Councilor Kelly credited both sides of the table for this accomplishment.

Councilor Kelly asked how we stand on funds for the snow removal/salt. Mr. Keiser stated that we are approximately \$20,000 over budget as a result of the frequency of storms and the cost of salt nationwide. Councilor Kelly asked if the services for Coverall of Southern New England (cleaning company) are satisfactory for the cost. Mr. Keiser stated they are and that he is satisfied with the quality of service received.

Councilor Kelly asked Councilor Szepatowski to discuss the bill amount of \$5499.44 to Paws and Claws. Councilor Szepatowski stated that this bill is strictly reimbursement for veterinary services provided to animals picked up throughout town by Paws and Claws. The company may be called if the animal control officer is not on or available. There are an unusually high number of stray cats being found in residential areas. This amount is half of the cost assumed by Paws and Claws for last year. There are two funds held by the town, one is for donations for building an animal shelter and the second is for animal care. An invoice with a copy of the bill from the vet is completed for the medical costs. There is also the fee of one dollar from the dog licenses that is strictly for spay and neutering. The reimbursement is not done with funds from the Town's budget. Councilor Sutton questioned whether there is an agreement for this service. Mr. Keiser stated it is not uncommon for a Town to hold funds for non-profit community services and sites the Jamestown Community Theatre as another group that benefits from this arrangement. Councilor Sutton would like to see a contract or some sort of agreement stating what is expected as to the Town's responsibility to manage the money. Councilor Sutton stated he is concerned with the amount of involvement the Town has for dealing with cats. Mr. Keiser stated it is limited to sick cats or cats reported by neighbors as being a threat. Councilor Szepatowski stated the Town does respond if someone calls about a cat and there have been several calls in this regard. Councilor Kelly mentioned that the Police Chief is looking into the types of calls for animal control and classifying them, this will be reviewed with the budget. It was the consensus of the Council that Mr. Keiser will submit a letter to the Council and this will be made an agenda item in the future.

There are no other comments on Bills and Payroll.

c) Planning Commission (1/7/2009, 1/21/2009)

Councilor Sutton asked to review the minutes from the Planning Commission meeting on January 7, 2009. He directed attention to the second page under Old Business where

there is a discussion regarding the commercial versus residential uses of West Ferry. He questioned when the Town Council should have input as to possibly changing these types of issues. Council President DiGiando stated that he believes this is part of the zoning ordinance review and the Council will be in on the discussions in the near future.

d) Town Charter Review Committee (2/18/2009)

Councilor Kelly stated that it appears the Town Charter Review Committee is doing their homework and working very hard at setting out to do what the committee was set up to accomplish.

It was moved by Councilor Kelly to accept items 2, 3c and 3d seconded by Councilor Sutton. 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) (5) Real Estate (acquisition of property)

Council President DiGiando announced that the Council may go into Executive Session pursuant to RIGL 42-46-5 (a) (5) Real Estate (acquisition of property) at the end of the meeting.

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

1) Town Administrator Report

Police Station Bids

A pre-bid conference was held on Tuesday February 24th to review the construction specifications for the Police Station expansion and renovation project. With the slow economy, the interest in this project is very high as twenty-eight general contractors were in attendance. The deadline for the submission of bids is March 17th. We are planning to bring a recommendation to the Town Council at the next meeting with the bid award scheduled for the first meeting in April.

Councilor Sutton asked if this is considered a “shovel ready” project and if this is in the list for funding from any stimulus money. Mr. Keiser stated this is “shovel ready” but this project was not considered for use of stimulus money.

Budget Work Sessions

A reminder for tomorrow night, at 6:30 p.m. is the scheduled work session with the School Committee to review the Proposed FY2010 School Budget. There is a visiting Chinese Scholar in Jamestown this week studying the processes we use and he will be attending the meeting. It is agreed to change the Municipal work sessions previously scheduled for March 30th and April 2nd to March 30th & 31st.

Environmental Monitoring Report

Attached is the revised Post-Closure Environmental Monitoring Plan for the former Jamestown Landfill dated October 2004 prepared by GZA. The document describes the Environmental Monitoring Plan for the closure and post-closure periods of the former

landfill site. The plan identifies the monitoring points, sampling schedule, the methods for sample collection, and report requirements. In June 2005 the RIDEM approved the addition of GZ-7 to the monitoring plan. If you refer to the first paragraph of page 3, it outlines GZA's recommendation for the groundwater monitoring program. You will note that after eight rounds of quarterly sampling following Landfill closure the Town may request that DEM evaluate the appropriateness of testing on a semi-annual basis. The Town is spending \$32,000 annually on testing under the current requirements. The Environmental Monitoring Plan that was approved by DEM in 2004 states that we are required to test the groundwater to ensure it is safe and would allow for some reduction in testing after the landfill has been capped. Testing began in 1988 and must be done for 30 years. It is expected to complete all stormwater measures and capping in approximately two years. Testing must continue for two years after the process is complete and after this time the Town can request from DEM to lower the frequency of testing as a cost effective measure for the taxpayers.

Councilor Szepatowski commented that the use of a landfill and the surrounding area after it is capped is considered when a decision is made as to the frequency of testing. Councilor Sutton stated that in the 20 years we've been testing the results have remained close to the same every quarter. There is nothing new in the updated plan that changes the use of the land. Councilor Sutton suggested that given the Governor's suggestion to relook at contracts and agreements to save money, the Town go to DEM and ask to renegotiate the provision for the frequency of testing as the cost of \$32,000 per year seems excessive in light of all the test results. Council President DiGiando asked if we can speed up the closure for financial reasons. Mr. Keiser responded that the Town has applied for stimulus money for this and if it is received, the closing could occur within six (6) months.

Councilor Kelly asked if Mr. Keiser could report within the next two meetings exactly what has been included in our list for stimulus money. Mr. Keiser stated in a month's time we should have a good idea how the State will be dividing the funds. Councilor Kelly suggested some lobbying on our behalf. He also agreed with Councilor Sutton on the request for reduction in testing. Councilor Szepatowski asked if we could get a written opinion from GZA.

PUBLIC HEARING

None

ORDINANCES AND RESOLUTIONS

None

COMMUNICATIONS AND PETITIONS

- 1) Request from Rev. William J. O'Neil, Pastor of St. Mark Church re: request to waive fee for the use of the John C. Rembijas Memorial Pavilion (\$300.00)

It was moved by Councilor Szepatowski, seconded by Councilor White to approve Father O'Neil's request to waive the fee for the use of the Pavilion. So unanimously voted.

It was suggested by Councilor Sutton to eliminate the fee for non-profits in the Town of Jamestown. Mr. Keiser will look at the number of non-profits that utilize the Pavilion for a cost amount. This item will be placed on the agenda in the future.

It was moved by Councilor Szepatowski, seconded by Councilor White to accept the communication from Father O'Neil. So unanimously voted.

- 2) Notification from Kickemuit River Council 2/26/2009 meeting re: danger of LNG

It was moved by Councilor Kelly to accept the notification from Kickemuit River Council, seconded by Councilor Szepatowski. So unanimously voted.

- 3) Notification from Ann Morrill re: Weaver Cove deadline for public comment

It was moved by Councilor Kelly to accept the notification from Ann Morrill re: Weaver Cove deadline for public comment, seconded by Councilor Szepatowski. So unanimously voted.

- 4) Weaver's Cove Energy Winter 2009 Newsletter

It was moved by Councilor Kelly to accept the Weaver's Cove Newsletter, seconded by Councilor White. So unanimously voted.

It was the consensus of the Council that Mr. Keiser send a letter regarding the Town's opposition to Weaver's Cove.

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) **Holiday License Renewal Applications**

- a) Lucky Ridge Co. LLC dba: Spinnaker's Café Mobile Unit
Location: East Ferry, Ft. Getty, Mackerel Cove Beach Parking Lot

It was moved by Councilor Kelly to approve the holiday license for Lucky Ridge Co. LLC dba: Spinnaker's Café Mobile Unit, seconded by Councilor Szepatowski. So unanimously voted.

- b) Trattoria Simpatico, Inc. dba: Trattoria Simpatico
Location: 13 Narragansett Ave.

It was moved by Councilor Kelly to approve the holiday license for Trattoria Simpatico's dba: Trattoria Simpatico, seconded by Councilor Szepatowski. So unanimously voted.

- c) Ace's Pizza, Inc, dba: Ace's Pizza
Location: 1 Clarke St.

It was moved by Councilor Kelly to approve the holiday license for Ace's Pizza, Inc. dba: Ace's Pizza, seconded by Councilor Szepatowski. So unanimously voted.

OPEN FORUM

- 1) Scheduled request to address
 - a) Susan Little, re: monitoring of the former landfill

Susan Little of 1185 North Main Road stated she was pleased with the improvement in publication time from GZA at the completion of quarterly testing. Ms. Little also commented on the levels from certain wells on the site and did not agree that the results have been close to the same every quarter. Ms. Little suggested having the testing bid out on a yearly basis to help lower costs. Ms. Little stated her opinion of how important the continuation of quarterly testing remains.

Pat Bolger of 6 Fore Royal Court requested that he be provided with the past sixteen (16) years of data as he can only find eight (8) years and has previously asked for this information. Mr. Keiser stated he will gather that information.

- 2) Non-scheduled request to address

Councilor Szepatowski would like to comment on the Teen Center's First anniversary party. It was a tremendous success and she would like to extend a special thank you to Justin Jobin for all his help on some last minute board presentations he prepared for Councilor Szepatowski. His help is greatly appreciated.

APPOINTMENTS AND RESIGNATIONS

None

UNFINISHED BUSINESS

- 1) Review of Boards, Commissions and Committees

Nothing to review at this time.

- 2) Town Properties re: 44 Southwest Avenue, purchase and sale agreement / Jamestown Art Center

Mr. Keiser met with the Board for the Jamestown Art Center to discuss the proposed offer for the old Town Offices Building. There is a memorandum from the Jamestown Art Center that outlines the draft agreement that has been negotiated in an effort to meet the Town's need for return on the asset value of this property. Based on the offer price of \$540,000, the Jamestown Art Center (JAC) will pay the full appraised value. The cash down payment of \$440,000 at closing with the balance due in the form of a promissory note held by the Town with a lien on the property to be paid within sixty (60) months at 3% interest. This figure will provide the Water Fund with adequate funding to meet projections for water fund debt service. The Town Administrator recommended that the Town Council approve the offer price with the attached conditions.

Discussion ensued regarding the closing date. Mr. Keiser suggested nine (9) months from tonight. Councilor Sutton would like to see that with no exceptions. Councilor Kelly would like to remind the JAC that the Council may change come this November and would like to see an agreement signed before this happens. He feels JAC meets the highest and best use for the property. There is some concern about the length of time that may be required to receive approved permits from either the Department of Environmental Management or Coastal Resource Management Commission and the

effect this may have on the closing date and conditions. Diane Grippi, representative for the JAC, stated the group is very eager to see this finalized so they may begin restoration and renovation on the site.

Councilor Szepatowski asked the Town Solicitor if as a Council Member, there is any conflict that would prevent her from assisting the Jamestown Arts Center with this project. Mr. Ruggiero stated there would be no problem.

It was moved by Councilor Szepatowski to accept the letter from the Jamestown Arts Center, seconded by Councilor White. So unanimously voted.

It was moved by Councilor Sutton that the Council President be authorized to sign a purchase and sales agreement with the Jamestown Art Center consistent with the memorandum dated February 26, 2009 as amended to include a completion date for closing of December 31, 2009, seconded by Councilor Szepatowski. So unanimously voted.

It was suggested by the Council that the JAC give an update on progress on a monthly basis.

It was moved by Councilor Sutton that the sealed minutes of the Executive Session held on February 17, 2009 regarding 44 Southwest Ave be unsealed to maintain a transparent process, seconded by Councilor Szepatowski. Councilor Kelly withdrew from the vote as he was absent for the February 17 meeting. Councilor Sutton voted aye; Councilor Szepatowski voted aye; Councilor White voted aye, Council President voted nay. The motion passed with a three in favor, one opposed and one abstention.

NEW BUSINESS

- 1) List of properties acquired through the Right of Redemption re: Proposed to sell with appropriate covenant attached (per Councilor Kelly)

Discussion ensued regarding returning properties to the tax roll that have been returned to the Town by Right of Redemption. Mr. Keiser distributed to the Council a map showing the locations of these properties. It was discussed as to what restrictions and/or covenants can be placed on the properties. Town Solicitor stated it may diminish value to a small extent but you can have a preferred purchaser list regarding abutters, etc. Mr. Ruggiero will compile examples of covenants used by other municipalities in April. It was also discussed that the Town not alienate themselves from possible future use of some of the dryer lots for possible potential use as a park or related use.

- 2) Newport Pell Bridge re: changing management from Rhode Island Turnpike and Bridge Authority to Rhode Island Department of Transportation

Councilor Kelly would like Mr. Keiser to contact the Town of Newport to get their feeling on this action. It is agreed that the Rhode Island Turnpike and Bridge Authority has been a good neighbor to the Town of Jamestown and a local presence as opposed to one in Providence is preferred. Council President DiGiando would like to make note that

the RITBA is one (1) year or \$25,000 in arrears to the Town of Jamestown for their payment in lieu of taxes. Mr. Keiser stated they are fully determined to make payment to the Town.

It was moved by Councilor Kelly that the Town of Jamestown supports the management of the Rhode Island Turnpike and Bridge Authority and that we notify our Legislators of this decision, seconded by Councilor Szepatowski. So unanimously voted.

EXECUTIVE SESSION

It was moved by Councilor White to enter into Executive Session pursuant to RIGL 42-46-5 (a) (5) Real Estate (acquisition of property), seconded by Councilor Szepatowski at 8:50 p.m.

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

ADJOURNMENT

Upon return from executive session at 9:13 p.m., it was moved by Councilor White, seconded by Councilor Sutton, to seal the minutes of the executive session 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.

It was the consensus of the Council that the Town Administrator continues negotiations re: Real Estate (acquisition of property).

There being no further business before the Council, it was moved by Council President DiGiando, seconded by Councilor White to adjourn the meeting at 9:17 p.m. So unanimously voted.

Attest:

Heather R. Lopes
Deputy Town Clerk Pro Tem

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