TOWN COUNCIL MEETING

**December 13, 2010**

**I. CALL TO ORDER**

The regular meeting of the Jamestown Town Council was called to order at 7:05 p.m. in the Jamestown Town Hall Rosamond A. Tefft Council Chambers at 93 Narragansett Avenue by Council President Schnack.

**II. ROLL CALL**

Town Council members present:

Michael Schnack, President

Robert Bowen, Vice-President

William H. Murphy

Michael G. White

Ellen M. Winsor

Also present:

Bruce R. Keiser, Town Administrator

Wyatt A. Brochu, Town Solicitor

Cheryl A. Fernstrom, Town Clerk

III. AWARDS, PRESENTATIONS AND ACKNOWLEDGEMENTS

None.

**IV. 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.

V. 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.*

Agenda Items 1) b) and 3) c) are removed from the Consent Agenda by request.

**A motion was made by Robert Bowen with second by William Murphy to approve the Consent Agenda as amended. Voted unanimously in the affirmative.**

The Consent Agenda approved consists of the following:

1) Adoption of Council minutes:

* + 1. December 6, 2010 (interviews)

c) December 6, 2010 (executive session)

* 1. Bills and Payroll
  2. Minutes from Boards, Commissions and Committees:
     1. Jamestown Buildings and Facilities Committee (11/17/2010)
     2. Jamestown Committee on LNG Threat (11/02/2010)

d) Jamestown Committee on LNG Threat (11/23/2010)

e) Jamestown Philomenian Library Board of Trustees (11/02/2010)

f) Jamestown Planning Commission (11/03/2010)

g) Jamestown Planning Commission (11/17/2010)

1. Adoption of Council minutes b) December 6, 2010 (regular meeting) Councilor Winsor would like the Minutes for December 6, 2010 Page 3 to be amended to add that committees should not criticize Fall River.

3) Minutes from Boards, Commissions and Committees c) Committee on LNG Threat (11/16/2010) Councilor Winsor commented on the Congress of Councils, the referenced date of December 1, 2010 for a second meeting and the importance of knowing what meetings transpire. She stated past meetings and Minutes of the Committee on LNG Threat referenced continuing meetings of the Congress of Councils, and she was concerned Town Council members were not aware of the December 1st meeting. Town Administrator Keiser explained that it was announced at the Congress of Councils in September that a subcommittee of staff members, the Town Administrators and Town Solicitors of the seaside communities, would plan a meeting to discuss legal strategy and next steps, which would not be a posted, public meeting. Minutes of the Committee on LNG Threat reflected that planning for such a meeting was underway. Council members affirmed their knowledge of this meeting and the discussion at the November 15th meeting it would take place in early December in Newport and that additional meetings of this type will be planned. Town Administrator Keiser stated flexibility is available to the Town Administrator and Town Solicitor to plan such meetings in compliance with Administrators’ and Solicitors’ schedules, and these are not open meetings for Council members or Committee members to attend. Discussion continued.

**A motion was made by Robert Bowen with second by William Murphy to approve Consent Agenda Items 1) b) and 3) c). Voted unanimously in the affirmative.**

**VI. EXECUTIVE SESSION ANNOUNCEMENT**

*The Town may seek to go into Executive Session to discuss the following items:*

1. Pursuant to RIGL §42-46-5(a) Subsection (2) collective bargaining and potential litigation

**VII. COUNCIL, ADMINISTRATOR, SOLICITOR,**

**COMMISSION/COMMITTEE COMMENTS & REPORTS**

1) Town Administrator’s Report

1. Transparency in Government. Town Administrator Keiser stated the RFP for video streaming and archiving of Council meetings was advertised in November. Four bids were received from vendors, and three were qualified. An evaluation was performed on the two low bidders, references are being checked and final assessments are underway to determine which proposal is the best value for the Town. A recommendation should be made at the January 3, 2011 meeting. Hardware needs are under review, with two approaches for the type of camera and equipment - web based and hard wired. A meeting took place on Friday, December 10th with vendor and Jamestown resident Jim Smith, IT Manager Mike Glier, the Town Clerk and Town Administrator Keiser to review the two processes and discuss pros and cons. The hardware bid will invite one or both solutions so that technical and functional benefits as well as costs can be evaluated. This will also be on the January 3rd agenda for discussion. Audio issues were also reviewed, as this requires modernization as well, but is not part of the RFP. Other municipalities are looking at transparency in government and the League of Cities and Towns is conducting a survey of the member communities and the status of video casting meetings. To date only a small number of communities stream their meetings live, and a number record and archive them for rebroadcast. A full report of the 39 cities and towns will be available at the January 3rd meeting. A pre-budget work session with the School Committee is scheduled for December 20th at 6:00 p.m. A workshop is scheduled with the Harbor Management Commission on January 3rd at 6:00 p.m. prior to the regular meeting to review the revised ordinance.
2. Town Council Liaison Reports. None

**VII. PUBLIC HEARINGS.**

None.

**IX. ORDINANCES AND RESOLUTIONS**

None.

**X. COMMUNICATIONS AND PETITIONS**

1) Letter of Nicholas Schaus to registered voters in Jamestown re: Wind Turbine project/additional study

**A motion was made by Robert Bowen with second by Michael White to accept the Communication. Voted unanimously in the affirmative.**

2) Memorandum of Chris Powell thanking Jamestown for the honor of being recognized for his service as Conservation Commission Chair for 26 years at the 12/06/2010 Council meeting

**A motion was made by William Murphy with second by Michael White to accept the Communication. Voted unanimously in the affirmative.**

3) Wind Turbine issues and information submitted by Councilor Ellen Winsor

**A motion was made by Robert Bowen with second by Michael White to accept the Communication.**

Discussion. Councilor Winsor stated she is not advocating for any ordinance provisions, she is just trying to supply information of what other towns have used for their ordinances. This information could be reviewed by Planning and Zoning and could be used for future discussion and for the drafting of a town ordinance. This will placed on the January 17, 2011 agenda (actual meeting date 01/18/2010 due to Martin Luther King holiday) for discussion.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

* 1. Letter of RIDOT Engineering Division to Superintendent Marcia Lukon re: signage in the North Road/Watson Avenue crosswalk vicinity and announcing installation of fluorescent school crossing signs and reduced speed ahead sign by RIDOT Maintenance Section

**A motion was made by William Murphy with second by Michael White to accept the Communication. Voted unanimously in the affirmative**.

XI. 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.*

None.

**XII. OPEN FORUM**

1) Scheduled request to address. None.

2) Non-scheduled request to address.

Bucky Brennan. Narragansett Avenue. Wind Turbines. Mr. Brennan asked if the town is engaged in potential litigation discussion regarding the consultants hired to perform the wind turbine study. Solicitor Brochu stated he was not prepared to comment on this issue. Mr. Brennan stated as a taxpayer, and with the product given us, he hopes the town does not pursue legal action against the consultant. He has no problem with the consultant. He further stated understanding what we went through as a Committee, this would not be a good use of taxpayer dollars.

Valerie Molloy. Columbia Avenue. Ms. Molloy stated she can’t believe the town would spend money for video streaming or broadcasting of meetings.

Jerry Scott.Walcott Avenue. Mr. Scott read a letter on behalf of Blake Dickinson, who was not able attend this evening’s meeting, regarding the Portsmouth wind turbine project. The letter stated the Portsmouth project was referenced for the Jamestown wind turbine project, and this was not a good model to use as it was purchased at a deeply discounted price from a company that is now defunct, it barely makes money, and the project completion date (March 2012) is unrealistic. If Jamestown pursues a wind turbine project, it will only result in Jamestown taxpayers paying higher rates for electricity, higher taxes to cover losses, and will create higher profits for National Grid (a copy of the letter is on file).

**XIII. APPOINTMENTS AND RESIGNATIONS**

None.

**XIV. UNFINISHED BUSINESS**

1. Resolution re: In Support of Extended Producer Responsibility. Town Council President Schnack commented there were issues with the Resolution addressed at last week’s meeting and it is being revisited. Councilor Murphy stated he is favor of EPR at the State level where it belongs. Councilor White had questions on the language. Councilor Winsor stated the intent of the Resolution was to support the State and advocate for extended producer responsibility and recycling. Council Vice President Bowen agrees the Town should support the State on this, but is not in favor of Jamestown Public Works developing recommendations for an EPR Program. The last two “Be it Further Resolved” sections could be removed from the Resolution (keeping the first page intact). Council President Schnack prefers that as well. This is being proposed in the State legislature. Town Administrator Keiser stated one of the non-profit environmental groups working in this area will be at the annual League of Cities and Towns Conference on January 27th. Discussion continued regarding modification of the language regarding the role of the DPW in establishing an EPR program in the Town of Jamestown. Councilor Winsor is comfortable with rephrasing the Resolution. Discussion continued.

**A motion was made by Robert Bowen with second by William Murphy to remove the last two “Be It Further Resolved” paragraphs on Page 2 of the Resolution and adopt the “Resolution In Support of Extended Producer Responsibility” as modified. Voted unanimously in the affirmative.**

1. Wind Turbine – additional studies. Town Administrator Keiser referenced his memo outlining wind turbine issues and options and provided quotes for the interconnection and FAA studies and commentary on site development impacts and financial considerations. Quotes were received for the interconnection evaluation and range from $8,500 to $25,000, with an additional $2,500 Grid filing fee. This will result in a preliminary interconnection design and cost estimate, followed by a detailed study by National Grid at a projected cost of $25,000. The timetable for study completion is three weeks from the date of bid award. The National Grid review period is two months for the preliminary plan. If the town proceeds through final design, National Grid would provide an approved plan within six months. Town Administrator Keiser proposed to continue this issue to December 20th as a special meeting agenda item (the same night as the Town Council/School Committee pre-budget work session), so that the Council could take action. The interconnection study would evaluate the existing grid infrastructure, look at the size turbines to be considered, which were originally proposed in the 1.5 MW to 1.8 MW range down to 660 KW to 680 KW, if the interconnection cost were more feasible.

The proposed FAA analysis would provide a technical assessment of the interference created to the flight path rules by a wind turbine siting at Taylor Point and would develop an alternative height allowance for presentation to the FAA (restricted to 202 ft at present). The estimated cost for consulting services is in the $8,000 to $9,000 range. A successful appeal would achieve a 400 ft. above mean sea level limitation (350 ft. turbine and blade structure). These are the costs that would be incurred to move forward to determine what size turbine could be located at Taylor Point and at what cost. This information is needed to do the cost projections and financial analysis to determine the revenue stream (positive or negative) would be to the town if we moved forward with the project.

The construction of a turbine requires a cleared, two-acre site to accommodate heavy equipment, materials and staging area. A road providing access to the site from East Shore Road and Freebody Drive must also be created. Town Administrator Keiser referenced and discussed the aerial view graphics showing a possible siting location south of the Wastewater Treatment Plant. The aerial views depict a two-acre clearing with 200 ft. coastal buffer and 1.1 fall zone for a 350 ft. turbine. RIDOT and the Turnpike and Bridge Authority would not support a wind turbine with a fall zone that encompasses a State highway. The CRMC facility falls within the 200 ft. regulatory jurisdiction, and there has been no discussion with them to date. Also depicted is a no-build zone should the town determine a fall zone around the Wastewater Treatment Plan is required. Discussion ensued regarding the clear zone and other issues.

A decision to move forward with the studies has short-term budgetary implications and long-term fiscal consequences. Hiring a consultant for the study is a $20,000 to $25,000 commitment to proceed with the interconnection study and an additional $8.000 to $9,000 for the FAA review. The long-term financial impacts will not be known until the National Grid study is completed to determine the turbine power generation that can be integrated into the transmission system. When this information is developed, a financial analysis would be performed to project the annual economic performance over the 20 to 25 year life cycle of the turbine. The Wind Energy Committee was aware of these costs and they are all procedural steps that are approved by the PUC. The wind energy feasibility study performed indicated a positive cash flow to the Town. We need to know the interconnection costs. The town would expend a considerable amount of money before knowing if the project is feasible ($20,000 to $25,000). If the project were found to be feasible, the cost for the succeeding analysis could be included in the Bond. The interest rate for borrowing is currently below 4%. Lengthy discussion ensued regarding the size and type of towers and blades and altering the location. The interconnect cost is the wildcard. We need to see a financial model that explains costs. Based on information received, anything above 1.0 MW may require significant and costly grid upgrades.

Town Engineer Mike Gray gave a powerpoint demonstration. Landmarks owned by the Town and others were noted including Taylor Point. The green area, the fall zone, is 1.1 times tower height. The red area delineates the turbine location, and the blue circle (2 acres) is the construction zone. The sloping land and the four potential locations were noted and discussed. The FAA and AFA indicated their findings would not be affected by moving the turbine 200 feet in any direction. A direct connection to the Clarke Street Substation is not feasible. The Grid study includes an application, which will provide their review and conclusions with a plus or minus 25 percent cost estimate. The high voltage line will run 1.65 miles with an estimated $300,000 cost that would be borne by the Town. Lengthy technical discussion ensued.

Council members state they need solid numbers and comment on the transmission system. The study is needed in order to know if the project can go forward. Councilor Winsor stated we must look beyond wind turbines into future energy needs and alternative energy sources (examples given and other projects referenced). Lengthy discussion ensued. The financial models reflect the $750,000 ARRA grant and $500,000 EDC grant. Jamestown lost the $500,000 grant, and we now have to add the estimated $300,000 plus interconnect cost (adding $800,000 to the cost of the project). Is this project even feasible going forward? Can it be completed, including permitting and construction, by the March 2012 deadline? If not, the Town loses the $750,000 grant. It is going to be difficult to meet the deadline.

A large portion of the wooded area near the Treatment Plant would have to be cleared for staging, exposing tanks and the Treatment Plant. Discussion of other clearing continued. President Schnack is not in favor of spending any more money on this project as he is skeptical it is feasible. Discussion of issues and other wind turbines continued. Possible CRMC permitting was referenced. The Bridge has not been included during wind issues review. Lengthy technical discussion ensued. The meeting was opened to public comment.

Bucky Brennan. Narragansett Avenue. Mr. Brennan stated the Wind Energy Committee realized there was no regulation for the fall zone. National Grid and how to deal with them is referenced in the wind feasibility study, and they (National Grid) are difficult to deal with. Mr. Brennan referenced Taylor Point and Fort Getty. This is a large project and it is beyond where we can deal with it.

Councilor Winsor would like to look at this project for another week. We don’t want to kill one project because we have not reviewed all options (for alternative energy). Councilor Winsor spoke at length about Vinalhaven, Maine, which has three wind turbines the size of those proposed for Jamestown and potential health risks for its residents living within ½ mile and 1 mile of the wind turbines referenced by Federal scientists. What do we need here? Council President Schnack stated we need to do the interconnect evaluation and application submittal in order to go any further. Town Administrator Keiser has bids from outside vendors. The only way this can go forward is on a bid. This can be on the agenda for next Monday or for a special meeting on Friday. The Council could vote to authorize the Town Administrator to evaluate the bids and make a bid award for an amount not to exceed a specified amount. A decision must be made. If this keeps being continued, we will run out of time. Discussion continued.

**A motion was made by Robert Bowen with second by Michael White to authorize Town Administrator Keiser to go forward and pick consultants for the Grid interconnect study and the FAA appeal, including the Grid $2,500 filing fee, for an amount not to exceed $30,000.**

Discussion. Is money available? Town Administrator Keiser stated there is sufficient latitude in this year’s budget due to staffing reductions and the Incidentals account has $35,000. This could be placed on a Council agenda after we have obtained additional information. This cannot be put off any longer.

Back to the vote on the motion. **Robert Bowen and Michael White vote yes. Michael Schnack, William Murphy and Ellen Winsor vote no. Motion fails by a majority vote in the negative.**

**XV. NEW BUSINESS**

1. Awarding of Bid re: Fort Getty Boat Ramp Project to K. M. Gladding Excavating for an amount not to exceed $104,747.20.

**A motion was made by William Murphy with second by Michael White to award the bid for the Fort Getty Boat Ramp Project to K. M. Gladding Excavating for an amount not to exceed $104,747.20, as bid.**

Discussion. Mike Gray referenced the Town Council vote at the September 7, 2010 regular meeting that approved using up to 50% of the cost of repairs to the Fort Getty Boat Ramp using funds from the Fort Getty Master Plan budget. Discussion continued.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

**A motion was made by William Murphy with second by Michael White to allocate up to 50% ($52,373.60) of the funding for the Fort Getty Boat Ramp Project from the Harbor budget and up to 50% ($52,373.60) of the funding from the Fort Getty Master Plan budget, with engineering and construction oversight costs evenly divided as well going forward.**

Discussion. This is not open ended and does not go backwards, it is going forward only.

Back to the vote on the motion. **Voted unanimously in the affirmative.**

1. Wind Turbine Moratorium. The Moratorium adopted by the Charlestown Town Council (prepared by Solicitor Ruggiero) was referenced. Councilor Winsor wouldn’t include the first three paragraphs in a Jamestown Moratorium. Town Administrator Keiser stated the Council can review and consider a moratorium; however, it is premature to adopt one. This should be continued to a future agenda to allow the Planning Commission and Town Planner the time required to review and prepare an ordinance and/or regulations. We don’t want to start the clock ticking by adopting a moratorium that may expire before Planning has completed the wind turbine ordinance/regulations. We can only adopt a moratorium once. If a use is not covered by an ordinance, it is not an allowed use. Solicitor Brochu stated his office could prepare a document (moratorium) for discussion and/or adoption at a later meeting. Councilor Murphy and Councilor White express that they are not fans of moratoriums. This issue will be placed on the agenda for the second Council meeting in January. This will be referred to the Planning Commission and Town Planner. They are currently working on the Comprehensive Plan and may want to include wind turbines. Currently there is no rush for this, and we don’t want to adopt a Moratorium until the ordinance process begins. Zoning Board actions were referenced. Lengthy discussion continued.
2. Conanicut Island Art Association request to hold January and March art openings on Sunday afternoons (01.23.2011 and 03.13.2011) to encourage attendance during the winter months. If staff is available it would be okay. Our insurance carrier should be made aware of this. The Council will leave this up to the Town Administrator.

**XVI. EXECUTIVE SESSION**

**A motion was made by William Murphy with second by Michael White to enter into Executive Session pursuant to RIGL §42-46-5(a) Subsection (2) to discuss potential litigation and collective bargaining. Voted unanimously in the affirmative.**

**Pursuant to RIGL §42-46-5(a) Subsection (2) the following vote was taken by the Jamestown Town Council to enter into Executive Session to discuss potential litigation and collective bargaining: Council President Schnack, Aye; Council Vice President Bowen, Aye; Councilor Murphy, Aye; Councilor White, Aye; and Councilor Winsor, Aye.**

The Jamestown Town Council reconvened its regular meeting at 9:22 p.m. The Jamestown Town Council entered into Executive Session at 9:10 p.m. by unanimous vote and that session has now ended by unanimous vote. Council President Schnack announced there were no votes taken in Executive Session.

**A motion was made by William Murphy with second by Robert Bowen to seal the Minutes of the Executive Session. Council President Schnack, Aye; Council Vice President Bowen, Aye; Councilor Murphy, Aye; Councilor White, Aye; and Councilor Winsor, Aye.**

**XVII. ADJOURNMENT**

**A motion was made by Michael White with second by Ellen Winsor to adjourn the meeting. Voted unanimously in the affirmative.**

The regular meeting was adjourned at 9:23 p.m.

Attest:

Cheryl A. Fernstrom, CMC

Town Clerk

Copies to: Town Council (5)

Town Administrator

Town Solicitor