

Northenders' wells root of contentious council meeting

By Dotti Farrington

None of the five Town Council members attempted to amend Monday's meeting agenda to allow discussion of the emotionally-charged issues arising from the discovery of four tainted water wells on the north end of the island earlier this month.

The councilors chose not to act even after a town solicitor ruled that they could legally do so and discuss the issue, but not vote.

The council members said it would be better to wait for a state report on the wells.

At least six residents asked for the amendment because the councilors at previous meetings maintained it would be illegal for them to comment on issues that were raised in open forum but were not on the agenda. Some residents wanted to discuss implications of the tainted wells. Some residents wanted to discuss high ground water concerns that affect wells, especially in the Jamestown Shores, and some residents wanted other matters, especially deer overpopulation, to be discussed.

Sunshine issues

Ironically, the meeting was conducted under the shadow of two controversial "open meeting" issues as the second annual Sunshine Week, marking the importance of open government and freedom of information, began. Sunshine Week is being recognized nationally, and state officials have declared its observance in Rhode Island. The week was founded to emphasize the importance of the rights of citizens to know what and why their government acts the way it does.

In addition to the local amendment controversy, the council opened its meeting with a 50-minute session that was closed to the public, and then continued the executive session after adjourning

its regularly scheduled meeting. The closed talks were listed as discussions on potential litigation and contract talks.

Although the council agenda deadline is the Tuesday before the council meeting, the closed session was added to the agenda Friday. The notice apparently met state law for agenda posting, but it went against the council's own policy on inclusion of agenda items.

When asked about that, Town Solicitor J. William W. Harsch said it would be the responsibility of Assistant Solicitor Carolyn Mannis to decide on which rules take precedence and if the closed talks were legal.

The ruling that councilors could not address non-agenda items was first introduced several months ago by Associate Solicitor A. Lauriston Parks, who based his interpretation on an advisory from the office of State Attorney General Patrick Lynch.

Parks previously made other rulings to limit access of residents with concerns about impacts of the former landfill.

The ruling this week that an amendment was possible was given during the meeting by Mannis, who was at the session in place of Harsch, the town's primary solicitor. Harsch said Monday he has turned over some duties for the town because he is running for the office of state attorney general in the November election.

Landfill issues

The former landfill at the island's north end is being considered a possible source of the pollution of private wells, and more testing is being conducted to confirm the findings of contamination and to determine the sources of the pollution.

North end residents Monday again asked for additional testing of other water wells in the area.

Those wells include ones at the Viera Farm, which abuts the landfill, that were found polluted in 1992 and have not been tested since. The well on Lot 47, which also abuts the landfill, would be used to provide water to the proposed town highway barn if it were built at the landfill site. The Lot 47 well was tested five times in the past five or six years, and its water has been declared both non-drinkable and safe at different times.

Council President David Long said that many statements made by north end residents were untrue.

Residents Ray Iannetta and Phil Willis, leaders of a group called North End Concerned Citizens, said those words represented Long's calling them liars, and they asked that he identify which statements he considered to be lies.

Long repeated his intent not to discuss the topics raised in open forum, and he would not say anything further on his judgments about what statements were facts and what statements were not.

Citizen comments

Asking for the amendment to allow discussion of the issue, Stephen Jepson of Columbia Lane, on the island's north end, where residents depend on private wells for water, characterized the situation as "a powder keg ready to go off."

Iannetta asked to have the zoning board act on the need for a special-use permit to put the town highway barn at the landfill, and to take action before the town had any further design work done on that aspect of the landfill work.

Ellen Winsor of East Shore Road, another member of the North End Concerned Citizens, reminded the councilors about funding that is available to study the full impact of landfill activities.

Keith Stavely of Capstan Street called for abandonment of the former landfill as a site for the town highway barn.

Susan Little of North Main Road asked that Lot 47 water be monitored regularly. "We've already had a wake-up call" with this month's tainted well reports, she said, and asked about getting independent tests.

Donna O'Neill of Summit Avenue, called attention to a state health recommendation that a contingency plan be made to provide water to north enders with polluted wells linked to the landfill. She called for discussion on such a plan to start Monday night.

Long asked her, "Are you finished?"

Neighbor Bill Johnstone said, "I second her motion," and the audience applauded.

Long continued, "I want to extend the right to speak to others." O'Neill asked if discussion would be allowed after open forum.

Long said he had questions, but did not specify whether a discussion would be conducted.

Willis spoke about the seriousness of the well pollution that has been found. "What are we going to do?" he asked.

Long said "I would love to respond." Answers have been given "meeting after meeting and some have not accepted those answers," he added. He repeated that he thought many statements by residents "were not facts."

Iannetta and Willis said, almost simultaneously, "You just called us liars."

Long said, "There are false statements . . . I've heard false statements. I'm not going to discuss them." He called for a five minute recess "because you're shouting out."

Iannetta said, "Allow us to speak and we won't shout."

After the recess, Long said, "I ask all to conduct themselves civilly, yield to the chair and not let this become a free-for-all, as it almost did."

Long took other comments, which were on other issues. Then

he closed the open forum.

Council issues

Council Vice President Julio DiGiando said he preferred to wait until the next meeting so that the public is aware of plans to discuss the matters that had been raised. Many in the audience of about 70 people groaned audibly.

"Excuse me," DiGiando said, "others have the right to be aware. This has polarized our community."

DiGiando said that some statements about someone poisoning wells were accusatory and that some residents and officials "were being disparaged."

Town Administrator Bruce Keiser said he and his staff would be better prepared for a discussion at the next meeting.

Councilor Barbara Szepatowski called for a third-party mediator to moderate such a discussion. "We are not putting you off. There is so much at stake. We all have to make sure our statements are correct," she said.

Iannetta asked to be heard again, but was not recognized to speak.

Councilman Michael Schnack said he was "looking for unvarnished facts." He was "not sure I heard facts or opinions," he said.

Schnack urged that everyone wait for the state Department of Environmental Management report that was expected in about two more weeks. "It is ridiculous to turn each other against one another," he said.

Councilman William Kelly agreed about waiting for the DEM report.

Keiser said the DEM does not have a specific timetable for the report but he knew that the DEM was "preparing a very significant, detailed response." He suggested that many questions residents have would be answered by the DEM report. He said the DEM was preparing a specific response to the more than 400 people who wrote to the DEM about the well water situation and another response addressing the landfill closure and highway barn construction plans.

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