

*The Secret Garden*



**Garden Center/Florist**  
12 Southwest Ave Jamestown  
401-423-0050/800-252-1594

**We invite you to stop in for a glimpse of SPRING!!**

*Tulips, Primrose, Hyacinth, Azaleas, & Tete-a-tetes*

*Seeds have arrived... so get a head start on your spring planting!*

Potting Soil  
Seed Starter Trays  
Jiffy 7's/Peat Pots  
Garden Gloves

# Town solicitor resigns after interview with council

By Dotti Farrington

J. William W. Harsch, town solicitor since July, 2003, submitted his resignation Monday. He had been interviewed by the Town Council during an intense special council meeting last Friday, Feb. 16, even though he had been told he was out of running in the search for a new solicitor earlier in the week.

In a letter addressed to Council President David Long and copied to the Jamestown Press, Harsch wrote:

"I have demonstrated a fully adequate capability to represent the town (but) in view of the 'interview' which took place last Friday, it is apparent that a continuing relationship with the current Town Council is impossible.

"I believe that the law (and sound government) requires openness in government. Recently, this has come to be a matter of apparent disagreement and discomfort. As I do not feel I can change my position on such matters, I consider it appropriate to resign."

Harsch noted that his service was during "an extended period of administrative disruption" and wished town leaders "the best of luck as you continue."

## Successor

The council vote to appoint attorney Peter Ruggiero of Warwick Jamestown's next town solicitor was due Tuesday. The councilors met in an executive session about candidates, according to several statements they made last Friday. The two intertwined topics — the solicitor appointment and holding executive sessions — were among aspects of the 60-minute public interview with Harsch.

Given a second interview last Friday after Harsch's, Ruggiero was asked by the council if Harsch had made "disparaging remarks" directly to him. Ruggiero declined to answer. The search for a solicitor and arguments about legality of discussing the qualifications of solicitor candidates in closed sessions have been going on in Jamestown all month. Those two issues have also occurred recently in other South County towns. Ruggiero had been Charlestown's solicitor until he was replaced several weeks ago after that town council met in an executive session that was being challenged in court under open meeting laws. Meanwhile, a month ago, Ruggiero declined an appointment as the Charlestown assistant solicitor.

Harsch wanted to continue as Jamestown's town solicitor and hoped at his interview to reverse the earlier report that he was "out." Ruggiero was identified as the apparent choice after four councilmen discussed the candidates in a closed meeting Feb. 9. Harsch told the Town Council at its regularly scheduled Feb. 12 meeting that the Feb. 9 executive session was illegal.

## Two rulings

Council President David Long emphasized that there had been no vote on the appointment the council agreed to on Feb. 9. Harsch said that discussion was illegal because it was not listed as an agenda item, and that even as a properly listed agenda topic, it could not take place in executive session.

Assistant Town Solicitor Carolyn Mannis gave the town a written opinion about a town's ability to legally meet in closed session on selection of a solicitor. Other candidates for the local solicitor job said they had been interviewed under both open- and closed-session formats.

Harsch based his opinion that executive sessions are reserved for discussions on job performance by town employees or candidates for

town jobs, but are not applicable to contractors or consultants, such as solicitors. Mannis based her opinion on executive sessions being legal for any person whose job performance and related evaluations are to be discussed.

## Anti-Harsch

Last Friday, Feb. 16, the council president led an attack on Harsch's performance with an explanation of why he was reluctant to reappoint Harsch. Long said he was disappointed that Harsch did not fulfill his promise to be available to handle town business at all times while Harsch campaigned in 2006 to become state attorney general in November, an election he lost.

Long also complained that Harsch had not told him personally about the campaign. Long said he learned about it from a television report.

Long said he was especially upset over what seemed to be Harsch's limited role in the town's legal battle about Lazlo Siegmund's work on major sewer-system projects in 2004-05. He did not hold it against Harsch that the town did not win the arbitration, Long said. He had lost faith in Harsch when Harsch assigned underlings to handle much of the Siegmund casework, Long said.

Harsch defended his absences by citing a serious ailment as the reason he did not handle all the work himself. He nonetheless attended most of the arbitration sessions without "double billing" the town for his time in addition to the time of his associates, Harsch said. The town did not win any of the million dollar settlement it sought, while Siegmund got a small part of the \$50,000 counterclaim he filed. Harsch said he succeeded in negotiating a fee reduction that offset that payment.

Long said he felt betrayed that Harsch did not talk to him about his illness. Harsch apologized for not confiding in Long.

Long said he was prepared to oust Harsch in mid-2006, but he did not want to impact Harsch's campaign and waited until after the election. Other councilors said that the town solicitor search began because Associate Town Solicitor A. Lauriston Parks asked for all town legal work after he was not reappointed North Kingstown's town solicitor in November 2006.

Last Friday, Town Administrator Bruce Keiser said he found working with Harsch and Parks

frustrating because of confusion over who would do what, and some work was duplicated. Long said there was "infighting" between Harsch and Parks. He tried twice to get the two to resolve their issues, Long said. Harsch seemed to accept the brunt of blame by saying "mea culpa." Long listed several items on which Harsch failed or disappointed him.

Council members William Kelly and Michael Schnack said they did not like that Harsch minimized Ruggiero's municipal experience after Ruggiero was named as frontrunner for the solicitor job in Jamestown. Harsch also had praised Ruggiero's expertise with planning and labor law. Ruggiero was on Harsch's team as assistant solicitor for labor matters here.

Kelly said he preferred Harsch over Ruggiero but deemed Ruggiero acceptable as a compromise. Schnack said he found some Harsch actions and comments unacceptable.

Council Vice President Julio DiGiando said he was greatly impressed by Harsch's work, but found recent events and Harsch's words "perplexing" and "uncomfortable."

DiGiando added, "I don't do uncomfortable well."

Schnack challenged Harsch for publicly discussing not only Ruggiero but also council talks in executive sessions about other matters, especially the highway barn. Schnack noted that Harsch attended and did not raise concerns at those sessions, but raised issues in an open meeting Feb. 12. Schnack said he did not understand why Harsch raised other issues when asked only if he wanted an interview.

Harsch said the range of topics within his response reflected "what I thought appropriate to provide on what bore on solicitor choices." Schnack said Harsch's comments were not responses to the question. The councilman also criticized Harsch for commenting on another applicant. "Your answer makes me distrustful and lacking confidence in you," Schnack said.

Harsch replied, "I apologize if it is in order." He talked about his bringing Ruggiero to Jamestown as part of his team, and added, "If I made a mistake, if you think it inappropriate, I apologize."

Schnack continued to press Harsch about a variety of actions

See "Solicitor" on page 15

**Gardner's Wharf Seafood**  
**OPEN YEAR ROUND**  
Live Lobsters ~ Fresh Fish ~ Shellfish  
Retail • Located in Historic Wickford Village  
170 Main St., Wickford, (next to town Dock) 401-295-4600  
Monday - Saturday 9 am - 6 pm • Sunday 9 am - 5 pm

**HEALTH INSURANCE**  
for  
Individuals  
Families  
and the  
Self-Employed



Gaylin Cordes

**AFFORDABLE  
FLEXIBLE  
423-3605**

**PERRY'S**  
**PLUSH**  
**POOCH**



Voted Best Pet Groomer  
2006, 2005 & 2004  
- Newport Life Readers

**683-3778**

The 5th Annual Southern Rhode Island

**Home Show 2007**

Southern Rhode Island's Favorite Home Show is **LARGER THAN EVER!**

**General Adult Admission \$6**  
Children 12 years old and under FREE with an adult

**March 3 & 4**

**THOMAS M. RYAN CENTER**  
University of Rhode Island  
Sat. 10-8 • Sun. 10-5

**www.homeshow.com 800-237-6024**

**Summer at The Pennfield School**  
Fun and Educational Camps for Children  
Pre-K Through Grade 8

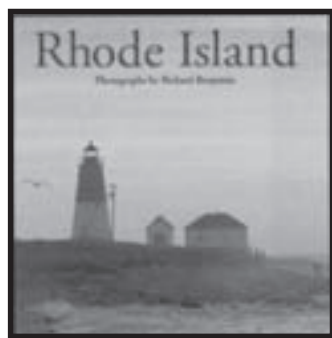
Summer Arts, Lego Robotics Camp, Young Scientists Club Camp, Drama Camp, Woodworking Basics, Summer Fun Camp



**Register Now!!!**  
For more info visit [www.pennfield.org](http://www.pennfield.org)  
or call Heather Strout at 401-849-4646 x 123

**The Pennfield School**  
110 Sandy Point Avenue, Portsmouth, RI 02871

**A PHOTOGRAPHIC JOURNEY OF COASTLINE AND BACKROADS**



by **Richard Benjamin**

Available at

**Nautical Impressions**

GIFTS FOR SAILORS AND LANDLUBBERS ALIKE

16 West Main Street • Wickford  
295-5303