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End of season

Islander Don Richardson rides on the bow of his boat "Louise" as it was hauled from the water Wednesday morning at East Ferry. The boat, a 31-foot 1941 Richardson, is an award-winning classic that was restored by Don, who is not related to the boat's builder. Photo by Jeff McDonough

Vote on zoning code could come tonight

By Phil Zahodiakin

A vote on revisions to the town zoning ordinance could come tonight as the Town Council holds the latest in a series of public meetings on the amendments at Town Hall at 7 p.m.

Town Planner Lisa Bryer has clarified the ordinance revisions in response to issues raised during the meetings, increasing the odds that it will be cleared for a vote before the next council is sworn in.

The amendments are largely intended to foster development of affordable housing in the downtown area. They were debated during a public hearing held last week, and during the council meeting on Oct. 19.

"Hopefully, we can get this put to bed on Thursday," Council President Julio DiGiando said at the Oct. 19 meeting.

Council member Barbara Szeptowski said she was already happy with the amendments, but council member Bob Sutton ex-

pressed reservations about language that refers to a "pattern book" of guidelines for architectural features.

"This pattern book is an elusive thing. I've been in government a long time, and [the use of a pattern book] fits into the way government ends up working. It is a very touchy issue: Is architecture going to be a factor [in decisions on building applications] or not? It's hard to pin down," he said.

Council member Michael White said the amendments have been a "very ambitious project," and expressed irritation with those who have called progression toward a vote "cavalier."

"The work on this started two years ago – when I was on the Planning Commission – and there have been numerous opportunities for people to speak their minds," he said. "The amendments are well-written, they're getting better

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Jamestown students 'fit in well' at North Kingstown High School

Potential change in leadership won't affect committee's decision

By Eileen M. Daly

As Jamestown's High School Review Committee continues to evaluate options for the island's future high school students, a new consideration has come to light: A potential change in leadership at North Kingstown High School.

The North Kingstown School

Committee recessed into executive session during last week's meeting to address the final item on its agenda, "disciplinary action regarding an administrator." When the committee reconvened in open session, committee member Richard Welch made a motion for a vote of no confidence in North Kingstown High School Principal Gerry Foley. The motion passed in a 5 to 1 vote, with committee member Kim Paige dissenting.

Principal Gerry Foley, howev-

er, remained in his position as of last Friday.

"The school committee made a statement after a hearing they held. I was in that particular statement. Now, I have not heard from the school committee about that meeting or since that meeting," Foley said.

He acknowledged that he works for the school committee and the superintendent, but stated that he

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Council considers weight of financial issues

By Phil Zahodiakin

The Town Council this week discussed a financial issue with long-term implications – along with other issues demanding relatively fast action.

The council also settled the controversy over truck traffic on Carr Lane, and devoted quite some time to its pending decision on amendments to the zoning ordinance.

The issue that will reverberate during the next fiscal year arises from a recent decision by Gov. Donald Carcieri, who has asked the legislature to slash motor vehicle excise tax reimburse-

ments to municipalities. Town Administrator Bruce Keiser said the town would lose \$110,000 in reimbursement revenue if the rollback goes through at the 25% level proposed by Carcieri.

However, Keiser added at the Oct. 19 meeting of the council, "I learned on Friday that the state may find it necessary to rescind 50% of the reimbursement. We're on shifting sands here, but losing this revenue – whether it's \$110,000 or \$220,000 – will strain our ability to balance the budget."

Keiser referred to the reimbursement shortfall in response

to a question about the source of funding for a donation to the Beavertail Lighthouse Museum Association. The council recently agreed to provide the group with \$15,000, to be followed by an additional \$10,000 down the road. Because of the pending revenue loss, "We will have to look at the budget from every possible angle," Keiser said. "Fifteen thousand dollars is not a small amount, but our \$7.2 million operating budget provides us with opportunities to find money here and there.

"In a worst-case scenario,"

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Prosecution rests in Swain murder trial

By Mason Marcus

TORTOLA, BVI – After hearing testimony from 19 witnesses, British Virgin Islands prosecutors closed their case against David Swain late Tuesday afternoon. The Jamestown native, who is accused of murdering his wife, Shelley Arden Tyre, in March 1999, has maintained his innocence.

Last week, the nine-member jury heard testimony from Swain's former lover, Dr. Mary Basler, and a handful of medical and diving experts. The prosecution closed its case with more than four hours of taped deposition from Swain's 2006 civil trial.

Basler, a chiropractor from Warwick, told the court that she and Swain were romantically, but not intimately involved before Tyre's death. According to her testimony, in 1998, Swain spent an evening at her home and the two kissed.

During cross-examination, Basler said it was the first indication Swain was attracted to her in any way, and she stopped any further advances. She told the court she had "reservations about getting deeper involved with him," and was "not interested in an involvement...because he was married."

Basler also testified that two months after Tyre's death, she and Swain began an intimate relationship. In letters shown to the jury,

Swain refers to Basler as his "playmate" and "soulmate."

But the relationship was short lived. By fall of 2000, Basler said she split up with Swain.

The court also heard testimony from Bruce A. Hyma, chief medical examiner for Miami-Dade County. Dr. Hyma said Tyre had no pre-existing medical condition that could have caused her death and ruled out other diving-related accidents.

"She had no medical reason to die," he said. "Anything that happened at the wreck was either done by Tyre or Swain."

During cross-examination, the defense questioned whether Tyre had been drinking the night before the murder. The defense also suggested Tyre suffered from the medical condition TMJ, which it alleged could have caused her mouth to lock open or shut.

But Dr. Hyma maintained Tyre was a trained and experienced diver, who knew how to safely surface had she panicked.

"The only way she couldn't have saved herself was if there was a violent struggle, and she was deprived of air," he said.

"Isn't the point about panic that even experienced divers act outside the way they are trained and

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