

**New Shoreham Town Council Meeting
December 16, 2009
Town Hall, Old Town Road, Block Island
7:00 p.m.**

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute, Town Councilor Kenneth C. Lacoste and Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Attorney Katherine Merolla. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

Call to order: First Warden Gaffett called the meeting to order at 7:00 p.m.

Warden's Report: First Warden Kimberley Gaffett announce the Preschool will host a holiday tea, with song, on December 22, 2009 from 11:15 to 12:00. The PUC will hold a public hearing at Town Hall on January 5, 2009 (11:30 a.m.) to take comment on the contract between Deepwater and National Grid. Block Island Ferry "Islander Cards" are being reconfirmed, the first date is Wednesday, January 6 from 4:00 to 6:00 additional dates will be advertised.

Council members acknowledged with sympathy the loss of Mr. Martin's mother.

Annual Pre-budget consultation with Block Island School

School Committee Chair William Padien and committee members Ann Hall, Sean McGarry, Shea Butcher and Richard Tretheway were present. Superintendent Robert Hicks introduced new fiscal Clerk Yordanka Martin. Superintendent Hicks reviewed a memorandum which is attached to these minutes. State aid to schools may be eliminated completely. The Town receives very little, so the impact will be less catastrophic than in other municipalities.

Superintendent Hicks said next year's School budget will fall between a 2.5 % increase and a 3% decrease. The school is transitioning their accounting system and Dr. Hicks is developing the budget for the first time. The budget will be presented to the School Committee at their January meeting.

Mr. Padien said this is the final year of the teachers' contract, contract renewal discussions have begun.

The capital budget list was discussed briefly: a 60 kW photovoltaic system costing \$400,000 would provide about 56% of the school's electricity needs. The School may apply through Washington County Regional Planning Council to finance the system. A silted-in infiltrator needs to be replaced to improve drainage. Skylights in the music room and elements of the facade need to be replaced.

PUBLIC HEARINGS

Application of Payne's Harbor View Inn to amend New Shoreham Zoning Ordinance Section 310 to allow restaurants in the Mixed Use Zone

The application was withdrawn by the applicant.

Proposed Amendment to New Shoreham Zoning Ordinances to add a new section to Article 4 Special Use Permits "Light Assembly" and to amend to Sections 202, 313 and 502

Under the ordinance, printing presses are considered "light assembly" so Ms. Gaffett, who owns a business which may be regulated as a result of the proposed amendment, recused from the hearing.

Second Warden Torrey called the hearing to order at 7:35. The ordinance and Planning Board's transmittal are attached to these minutes.

Ms. Weidman said the Planning Board proposed a change in the first sentence of the advertised definition of Light Assembly. It would read: "A business with the equivalent of at least two (2) full time year round employees and a dedicated work space of at least one thousand (1,000) square feet that involves the low intensity assembly or manufacture of a product or products in multiple quantities for the purposes of wholesale or retail sales..."

Town Planner Jane Weidman explained the proposal from the Planning Board was instigated when inquiries found small scale manufacturing was not allowed under local Zoning. Ms. Weidman said the ordinance is intended to focus on clean assembly or clean industry. It would allow such activity by special use permit in Mixed Use, Old Harbor Commercial, Service Commercial and New Harbor Commercial Zones. Approvals by the Planning and Zoning Boards would be required. There would be additional criteria for retail sale of the products on site.

Questions were taken from the floor. Local artist Bill Padien objected because certain types of art would be considered light assembly and regulated under the ordinance. He reads the ordinance as prohibiting a sculptor with a year round employee from making production models of their work at a large home studio in the RA or RB Zones. Ms. Weidman explained the ordinance is intended to effect assembly or production operations, and not artists. Mr. Padien suggested removing “art” from the ordinance and limiting the regulation to “crafts.”

Sven Risom, an entrepreneur whose application to amend the Zoning Ordinance initiated the changes, spoke in favor of the proposed ordinance.

Dr. Baute moved to approve the light assembly ordinance, with changes to the definition of “light assembly” as explained by the Town Planner. The motion was seconded by Mr. Torrey.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Abstain: 1 (Gaffett)

Ms. Gaffett returned to the table.

3. Set Public Hearing Date re: Amendment to New Shoreham Zoning Ordinance: Trades Trailers

First Warden Gaffett said reconsideration of this ordinance was needed to allow storage of trades trailers on Island when not in use. The events leading to ordinance development and reconsideration began when the Zoning Official investigated a complaint and found a local contractor in violation of the Zoning Ordinances by having a “trades trailer” idle on her property. The Zoning Official’s decision was overturned by the Zoning Board, which found the trades trailer legal. At that time the Town Council took no action on a proposal to regulate “trades trailers” because it appeared to be unnecessary. An abutter then took the matter to Superior Court, where the Building Official’s decision was upheld and the Zoning Board reversed. The Court found our local ordinance did not allow trades trailers except at construction sites.

Ms. Gaffett moved, seconded by Dr. Baute, to set a January 20, 2010 public hearing for trades trailers.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

4. Consider and act on deer tag reimbursement policy

Ms. Gaffett explained deer tags cost \$12.50 each. The Town has reimbursed hunters for several years. Councilor Lacoste cited deer management literature which recommends harvesting does for deer population reduction. Chris Blane, a member of the Deer Task Force, spoke for a policy of reimbursing for does only. Bill Wilson, a member of the Deer Task Force, spoke in favor of reimbursing for all deer.

Dr. Baute moved to renew deer tag reimbursement for antlerless deer only, and to raise the reimbursement to \$25.50 per deer. He withdrew the motion.

Dr. Baute moved the authorization of a transfer of \$800 from the Reserve Fund to reimburse hunters for deer tags per the list provided by the Town Manager, and to order that hunters be reimbursed \$12.50 per deer tag for all deer taken on the Island prior to December 16, 2009, and to reimburse the cost of deer tags for antlerless deer only going forward. The motion seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

The Town Manager was directed to have the deer check station note antler status on deer tag receipts.

5. Receive and act on NSPD monthly report: November

Chief Vincent Carlone presented the report and answered questions from the Town Council.

First Warden Gaffett moved to accept the New Shoreham Police Department report for November, 2009, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

6. Act on Commercial Shellfish license renewals

First Warden Gaffett moved the renewal of New Shoreham Commercial Shellfish licenses for 2010, pending receipt of licensing fees and proof of a valid Rhode Island multipurpose license or quahog endorsement from the DEM, for Nicholas Battey, Joseph Fallon, Jon Grant, Frederick Howarth, Christopher Littlefield, Doug Michel, Michael Swanson and John Swinton, to renew the golden license for William Murray, and to renew the non-resident license for James Nelson. The motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

7. Receive and act on Board of Assessors letter re: Property Tax Abatements

Ms. Gaffett recused because she is a percentage owner of a property seeking an abatement.

Mr. Torrey moved to approve the recommendation of the Board of Assessors to grant property tax abatements totaling \$2,066.12, seconded by Dr. Baute.

Ayes: 4 (Torrey, Baute, Lacoste, Martin) Nays: 0 Recuse: 1 (Gaffett)

8. Annual appointments

Ms. Gaffett moved to reappoint Town Officials until December 2010: Alarm Officers Marc Tillson, Kevin Hoyt and Donald Thimble, Auctioneer Lewis Gaffett, Corder of Wood Stanton Geer, Fence Viewer Stanley Balles, Field Driver A. Joseph Sprague, Packer of Fish Gary Hall, Sextons John Connell and Michael Shea, Sealer of Weights and Measures Christopher Blane, Tree Warden David Alpers, Bond Counsel Ellen Corneau, Probate Judge Michael Lenihan, Washington County Regional Planning Council representative Raymond J. Torrey. She further moved to reappoint until 2010, and to serve at current rates at the will of the Town Council, Town Solicitors Katherine Merolla, Steven Merolla for prosecutions, and Donald J. Packer for land use issues. The motion was seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Town Manager Dodge announced her intention of appointing William McCombe and Peter Gempp Co-Directors of Emergency Management and her intention to appoint Vincent Carlone Civil Preparedness Director, and asked for the Town Council's approval.

Ms. Gaffett moved to approve the Town Manager's appointments for Directors of Emergency Management and Director of Civil Preparedness Director, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Dr. Baute moved that the Emergency Management Task Force be comprised of individuals serving in their capacities of Directors of Emergency Management, Chief of Police, Civil Preparedness Director, Fire Chief and Rescue Captain, as mandated by law.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to reappoint Vincent McAloon and Bradford Marthens to three-year terms on the Commission on Motor Vehicles for Hire, expiring in December, 2012, seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to reappoint Conservation Commission members John Hopf and Donald Littlefield to three-year terms expiring in December, 2012, seconded by Peter Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to reappoint Barbara MacMullen, William Penn, Everett Shorey and Michael Ballard to one-year terms on the Electric Utility Task Group. Motion seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

No action was taken on Harbors Committee appointments.

Ms. Gaffett moved to reappoint Martha Ball to a three-year term on the Historic District Commission, expiring in 2012. The motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

No action was taken on the Juvenile Hearing Review Board.

Ms. Gaffett noted Paul Marte and Doris Hassinger have retired from the Library Board of Trustees. She moved that the Clerk send letters of thanks and appreciation. Motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to appoint Doug Gasner and John Cullen to the Library Board of Trustees for three-year terms expiring in December, 2012. Motion seconded by Dr. Baute.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 1 (Lacoste)

Mr. Lacoste noted Mr. Cullen is doing a great job serving on the Tourism Council and the Recreation Board. Mr. Lacoste would prefer not to overextend Mr. Cullen, and let someone else get involved.

Mr. Lacoste moved, seconded by Mr. Torrey, to reappoint Martha Ball, Zena Clark and Shirley Kessler to two-year terms on the New Shoreham Tourism Council, expiring in 2011.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Edward McGovern retired from the Tourism Council. No action was taken to fill the position at this time. Ms. Gaffett moved to send Edward McGovern a letter of thanks for his service. The motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Carol Leslie retired from the North Light Commission. Ms. Gaffett moved to send a letter of thanks for her service. Motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

First Warden Gaffett moved, seconded by Dr. Baute, to reappoint William Vallee to a three-year term on the North Light Commission expiring in 2012, and to reappoint alternate member John Hopf to a one-year term expiring 2010.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved, seconded by Dr. Baute, to reappoint H. Dennis Heinz to a five-year term on the Planning Board.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Robin Vila has retired from the Recreation Board. Ms. Gaffett moved, seconded by Mr. Torrey, to send a letter of thanks for her service on Board.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to reappoint Janet Merritt to a two-year term expiring in 2011, and promote John Cullen to a full two-year full term expiring in 2011 (the position left by Ms. Vila's retirement), and to reappoint alternate Sarah Sue Stockman to a one year term, moving her to the 'first alternate' position. The motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 1 (Lacoste)

Mr. Lacoste said he appreciates the great job Mr. Cullen is doing, but does not want him to overextend himself.

Norman Topf and Robert Closter have served out their terms on the Senior Citizen's Advisory Board, leaving two vacancies.

Ms. Gaffett moved to reappoint Betsy Theve to a three-year term, and to appoint Linda Spak to a three year term on the Senior Citizen's Advisory Board. Motion was seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Mr. Lacoste moved to appoint Mimi Levielle to a three-year term on the Senior Citizen's Advisory Board. Motion seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett noted the resignation of Jason Howarth on the Water District Commission and Sewer Commissions.

Ms. Gaffett moved, seconded by Mr. Torrey, to appoint Cliff McGinness, Sr. to serve out the term of Jason Howarth on the Sewer District Commission. The term expires in May, 2010.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

No action was taken on the Shellfish Commission.

Ms. Gaffett moved, seconded by Mr. Torrey, to appoint Cliff McGinness, Sr. to serve out the term of Jason Howarth on the Water Commission. The term expires in May, 2010.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Dr. Baute moved to reappoint 1st Alternate William Comings and 2nd Alternate Robert Lamoureux to one-year terms on the Zoning Board.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Mr. Lacoste moved to reappoint Jennifer Brady Brown the Town's representative on the Block Island Early Learning Center Board of Directors, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to send Michael Meskill a letter of thanks upon his retirement from the Block Island Health Services Board, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett moved to appoint Henry Hill the Town's appointee on the Block Island Health Services Board, and to invite him to the next work session, seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

9. Minutes: December 2, 2009 (open and closed), December 7, 2009

Ms. Gaffett moved to approve the minutes with changes discussed, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

10. Review Upcoming Meeting Schedule

The Council will meet January 4, 2010. The PUC's hearing is January 5, 2010. Town Council – Town Manager work session is January 6, 2010 at 4:00 p.m. The Council will be hosting the Lunch Bunch on January 19, 2010. The interim Town Council meeting is January 20, 2010. More meetings will be discussed at the work session.

Ms. Gaffett moved to enter closed session pursuant to RI General Laws §42-46-5(a)(5) for the discussion of acquisition of real property in order to discuss the purchase of Plat 6, Lot 147; to stay in closed session pursuant to RIGL §42-46-5(a)(2) for the discussion of litigation in order to discuss and act on matters being litigated before the PUC including Deepwater Wind and The Block Island Power Company; and to stay in closed session pursuant to RIGL §42-46-5(a)(1) for the discussion of a personnel matter, and to invite the Town Clerk, Town Manager and Town Solicitor to be present for some or all of the discussion. The motion was seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

11. Discuss Town Purchase of Plat 6, Lot 147 [This item may be discussed in closed session pursuant to RI General Laws §42-46-5(a)(5) for the discussion of acquisition of real property]

(Discussion ensued in closed session.)

12. Update and act on PUC matters: Deepwater Wind, Block Island Power Company [This item may be discussed in closed session pursuant to RI General Laws §42-46-5(a)(2) for the discussion of litigation]

Mr. Martin recused himself and left the room because he is employed by the Block Island Power Company. (Discussion ensued in closed session.)

13. Review personnel report [this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(1)]

Mr. Lacoste recused himself and left the meeting because he conducts business with the individual. The Town Clerk left the meeting, and minutes were taken by the Town Manager. (Discussion ensued in closed session.)

At 10:45, a motion to adjourn the closed session meeting was made by Dr. Baute and seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

A motion to seal the minutes of the closed session meeting and keep them confidential, was made by Dr. Baute and seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

First Warden Gaffett stated for the record that three motions were made during the closed session:

- With regard the purchase of Plat 6, Lot 147 Dr. Baute moved to request the Town Manager to contact the sellers with the goal of lowering the selling price. Motion was seconded by Ms. Gaffett.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

- Ms. Gaffett moved, seconded by Dr. Baute, to ratify action of the Town, opposing Block Island Power Co.'s request in PUC Docket #4135.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste); Nays: 0; Recuse: 1 (Martin)

- Dr. Baute moved to authorize First Warden Gaffett to sign a letter, seconded by Mr. Martin.
Ayes: 4 (Gaffett, Torrey, Baute, Martin); Nays: 0; Absent: 1 (Lacoste)

At 10:50, a motion to adjourn was made by Dr. Baute and seconded by Mr. Martin.

Ayes: 4 (Gaffett, Torrey, Baute, Martin) Nays: 0 Absent: 1 (Lacoste)

Minutes approved January 20, 2010

Fiona Fitzpatrick
Town Clerk