

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Wednesday, June 16, 2010
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, Town Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

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

Warden's Report:

First Warden Kimberley H. Gaffett announced the CRMC's hearing on Champlin's marina application meeting is one week from today in Narragansett Council Chambers at 1:00. The Weatherbee paintings which were on loan for two years are back with their owner now that the renovation of their home is complete. Mr. Lacoste notes laneways are becoming overgrown, he reminds owners there is a concern for emergency vehicle access.

Public Input

John Willis spoke against the aggressive hunting recommended by the Deer Task Force. Bill Wilson asked about the 350th anniversary of 1661. It will be put on the next agenda.

Act on requests of the Finance Director

Authorize over expenditures of certain appropriations, not exceeding the adopted FY10 budget.

Ms. Land asked the Council to use the powers granted at Financial Town meeting to 'authorize over-expenditures of certain appropriations, which were due to circumstances that could not be anticipated in budget preparations for Fiscal Year 2010 provided that the over expenditures do not exceed the total budget amount for Fiscal Year 2010.' She explained the circumstances of each unanticipated over expenditure: a lightening strike caused the failure of a private vendor's fire alarm system and the Town incurred costs of setting up a municipal alarm system; the unanticipated absence of a dispatcher required some overtime from the remaining trained staff; derelict vessels were removed. The aggregate cost was \$42,000 across three departments. Ms. Land suggested using unexpended funds from Town Highways, State Roads, Building and Boards & Committees.

Ms. Gaffett moved to accept the recommendation of the Finance Director to authorize the over-expenditures of Administration, Fire/Rescue and Harbors departments, which were due to circumstances that could not be anticipated in budget preparations for Fiscal Year 2010, and to expend funds from Town Highways, State Roads, and Boards & Committees in the amount of \$42,000 to cover the over expenditures. The motion was seconded by Mr. Torrey.

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

Nays: 0

Designate 2010 funds for use in FY11

There were no requested designations of 2010 funds for use in fiscal year 2011.

Adopt annual policy to borrow/invest

Ms. Gaffett move to adopt the Policy: to authorize the Finance Director to invest funds within the structure of Bank of America and/or the Washington Trust Company during the fiscal year ending June 30, 2011. This action in no way precludes the researching of other/better investment opportunities, the recommendation of the same to Council, and the Council approving the same. Motion seconded by Dr. Baute.

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

Nays: 0

2. Receive and act on recommendation of Tax Collector regarding Uncollectible Taxes

The Tax Collector provided a list of uncollectable tangible property taxes dating from 1998 totaling \$2,557.24.

Mr. Martin moved to write off the uncollectible taxes per the discussion, seconded by Dr. Baute.

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

3. Determine which Charter Review Committee recommendations will be submitted for legal review and possible balloting

The Council first deliberated over the question of whether to hold annual elections.

Dr. Baute moved that staggered terms should not be adopted, including all language drafted resulting in annual elections. Motion seconded by First Warden Gaffett.

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

Sections 302, 401, 403, 404, 702, 1001 and 1004: The motion nullified the Charter Review Committee's recommendations for changes.

Section 402: The Town Council will not go forward with a proposed change 402 which would make Town Councilors ineligible to serve on the Block Island Land Trust and the School Committee.

Section 405: Council will pursue changing "chairman" to "chairperson."

Section 406: Council will not go forward with a proposed change to posting requirements for special meetings.

Section 407: Council will not go forward with a change seen as redundant.

Section 409 Ordinances: Council discussed a change to the procedure to adopt ordinances.

Ms. Gaffett moved to not put forward a change to Section 409 to extend the posting requirement for ordinances, seconded by Mr. Torrey.

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

Section 504 Removal: Council will go forward with change of "therefore" to "therefor"

Section 602 Finance Director and 603 Duties of Treasurer and Tax Collector: A proposed change to the way the duties of Finance Director and Treasurer and Tax Collector are assigned if the offices are vacant.

First Warden Gaffett moved to endorse the changes and request Attorney Merolla review the section and draft different language if appropriate. Motion was seconded by Mr. Torrey.

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

Section 605 Budget Procedures: Council will go forward with a change to require voter approval at Financial Town Meeting before the disposal of real property.

First Warden Gaffett moved to endorse the change and send the language to Attorney Merolla for review. Motion seconded by Dr. Baute.

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

Section 606 Tax Assessment: A proposed change would put the support staff of the Board of Tax Assessors under the administration of the Town Manager. Another change would allow the Town to adopt an ordinance to replace the Board of Assessors with a professional Assessor. Discussion ensued.

Peter Baute moved to endorse the change and send the language to Attorney Merolla for review. Motion seconded by First Warden Gaffett.

Ayes: 3 (Gaffett, Torrey, Baute,) Nays: 2 (Lacoste, Martin)

702 Town Clerk: The change would allow for the appointment of more than one Deputy Clerk.

First Warden Gaffett moved, seconded by Mr. Torrey, to not adopt the change.

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

705 Director of Public Welfare: Proposed change would allow for an appointed Director of Public Welfare rather than an elected one. Discussion ensued.

Mr. Lacoste moved to endorse the change and send the language to Attorney Merolla for review. Motion seconded by Dr. Baute.

Ayes: 3 (Torrey, Baute, Lacoste, Martin) Nays: 1 (Gaffett)

707 Qualifications of Elected Officials: The intent of the section is to allow Town employees to run for some local elective offices. Discussion ensued.

First Warden Gaffett moved to support the intent of the section and to send for legal review and rewrite. Motion seconded by Mr. Martin.

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

801 Department of Public Works: (A) is seen as a housekeeping change. (D) Facilities Manager is a suggestion for a mandated new appointment.

Ms. Gaffett moved, seconded by Mr. Torrey, to send 801 (D) to Attorney Merolla for review.

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

804 Emergency Management Agency: An additional change to “Co-directors” was suggested by the Town Manager.

908 Pubic Facility Review Committee: A change from “shall” to “may” proposed by the CRC would make the PFR Committee discretionary. Discussion ensued.

Ms. Gaffett moved to support the changes, seconded by Mr. Torrey.

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

911 Committee on the Elderly, 912 Shellfish Commission, 913 Recreation Board, 914 Harbors Committee: The CRC added the committees to the Charter. Discussion of the reasons for including such Commissions in the Charter. Ms. Gaffett said it is her understanding that only boards mandated by state law are in the Charter.

Dr. Baute moved to omit Sections 911 through 914, seconded by Ms. Gaffett.

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

915 General Provisions: Section will be shifted to Section 408 Powers and Duties.

1001 School Committee: Language pertaining to annual elections will be deleted.

1201 through 1205 ‘Transitional Provisions’ will be sent to Attorney Merolla for legal review.

Receive and Act on letter of Chris Warfel re: Shellfish Commission members

The letter is attached to these minutes. Mr. Warfel was present and he presented the points in his letter to the Town Council. Mr. Warfel said the Shellfish Commission is actively opposed to aquaculture which is beneficial for water quality, he finds their process problematic and he has had a lot difficulty exchanging information with them. A discussion ensued.

The Shellfish Commission is advisory to Town Council. Ms. Gaffett and others on the Council believe the Council should work closely with Shellfish Commission to redirect their charge. The Council is meeting with the Harbors Committee this month, and will meet with Shellfish in July to focus on the Harbor Management Plan and the Commission’s charge.

5. Receive and Act on letter from Elizabeth Lee re: Cooneymus Road dispute (Portions of this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation)

Ms. Gaffett moved to discuss a dispute regarding Town property at Cooneymus Road in closed session pursuant to Rhode Island General Laws 42-46-5(a)(2) pertaining to the discussion of potential litigation, and to invite the Town Manager, Building Official, Town Clerk and Cooneymus Road neighbors Bruce and Margaret Montgomery with their attorney Joseph Priestley and Elizabeth Lee with her attorney William Landry. The motion was seconded by Mr. Torrey.

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

Nays: 0

The Lees and Montgomery's own property near the western terminus of Cooneymus Road. People sometimes park on that part of Cooneymus Road when they go to the beach. Access to the Lees' driveway has been blocked by parked cars. The Lees installed posts and vegetative landscaping on Town property to define their driveway. The landscaping has solved their problem. A portion of the vegetative landscaping on Town property runs between Cooneymus Road and part of the Montgomery's property. The Montgomery's asked the Town have the landscaping removed. An animated discussion ensued.

Dr. Baute moved to direct the Lees to move the posts back to the western boundary between the Montgomery and Lee property; to leave the northern hedge in place; to remove the southern hedge; and that the Town install no parking signs 50 feet down the wall and plant rosa rugosa to impede parking. Motion was seconded by Mr. Torrey.

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

Ms. Gaffett noted the Council has been promoting that solution for a time. She asked that the road crew be instructed not to mow in front of that portion of wall.

Mr. Lacoste moved to adjourn the closed session, seconded by Mr. Torrey.

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

Nays: 0

The minutes were not sealed.

6. Discussion with New Shoreham Police Chief (Portions of this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(3) for discussions regarding the matter of security including but not limited to the deployment of security personnel or devices.)

Ms. Gaffett moved to enter closed session pursuant to RIGL 42-46-5(a)(3) for discussions regarding the matter of security including but not limited to the deployment of security personnel or devices, and to invite the Town Manager, Police Chief and Town Clerk.

Police Chief Vincent Carlone discussed his security plan for the July 4th weekend.

Mr. Lacoste moved to adjourn the closed session, seconded by Mr. Torrey.

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

Nays: 0

The minutes were not sealed.

At 11:40, Mr. Lacoste moved to adjourn, seconded by Mr. Martin.

Minutes approved July 21, 2010

Fiona Fitzpatrick
Town Clerk