

**New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island
Monday, April 5, 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 and Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Finance Director Amy Land. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

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

Warden's Report: First Warden Gaffett reported a pair of piping plovers has been spotted, the Shellfish Commission's seed clams will be arriving Thursday. Volunteer seeders should contact the Shellfish Commission. The Early Learning Center pasta dinner will be May 10. ELC raffle tickets are available. A lecture on Block Island's underwater archeology (mainly shipwrecks) will be held Wednesday, May 8, 2010 at the North Kingstown Library. A stakeholder's meeting of the Ocean SAMP is scheduled for tomorrow night.

Public Input: Bill McCombe was present and suggested anyone who experienced flood damage contact FEMA. Funds are available. Councilor Lacoste reported the inner ponds are open to shellfishing but all of Cormorant Cove was closed beginning today in an abundance of caution due to two septic systems that are underwater.

An oil tank was overturned in a flood damaged basement earlier this week. The homeowner's automatic pump deployed, pumping out many gallons of heating oil along with the floodwater before the spill was detected. The Town Manager commended Ken Lacoste, Building Official Marc Tillson and Joe Fallon for their fast, expert and strategic work deploying booms and absorbent pads. Clean Harbors could not get to the Island right away due to flooding on the mainland. When they arrived two days later, they quickly gave the Island a clean bill of health due to the local intervention.

1. Proposed Town of New Shoreham Fiscal Year 2011 Budget

• Receive letter from Chris Warfel re: housing allowance for town management positions
Chris Warfel's letter was read into the record. He suggests the Town act to provide housing for key positions, such as Town Manager. No action was taken.

• Public Hearing for proposed FY11 budget

• Act on adoption of FY11 budget for Financial Town Meeting consideration and action

First Warden Gaffett opened the public hearing for the proposed Fiscal year 2011 budget.

The State Legislature announced they will finalize the supplemental budget on Wednesday. The Town will then know the status of state funds promised to the Town, including motor vehicle taxes in lieu. Tax levies may not increase more than 4.5%.

Dr. Baute move to continue the budget hearing to 7:00 p.m. Wednesday, April 12, 2010, and to continue adoption of the budget to the close of the public hearing. Motion was seconded by Mr. Martin.

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

Nays: 0

2. Consider and act on proposed legislation from Tiverton, RI re: postponement of Financial Town Meetings

No action was needed or taken.

3. Update from Deepwater Wind and public discussion re: PUC docket 4111 decision

Deepwater Wind representative Bryan Wilson read a statement into the record: "On behalf of Deepwater Wind, I would like to thank everyone, including many people in this room for their ardent support of our project. Your support is much appreciated. We are very disappointed with the PUC's decision regarding the Block Island Wind Farm project and are currently working on our "go forward" Rhode Island strategy. At this point, all I can share is that Deepwater Wind is

committed to Rhode Island and to Block Island. Over the past 18 months we have come to fully understand the level of need for a better power situation on the Island. We are committed to helping BI and its residents solve this problem. We expect to have a more formal announcement regarding our plans in the coming weeks. Thanks again for all of your support and we look forward to sharing our plans with you.”

The PUC’s decision was discussed.

4. Discuss, determine and act on Town position re: Deepwater Wind proposed project, PUC actions and associated issues

The PUC’s decision was discussed.

5. Act on Town Manager recommendation re: Harbor Master appointment

No action was taken. The Town Council anticipates receiving the Manager’s recommendation on Wednesday.

6. Act on requests from the Finance Director

- Banking resolutions to open CD for the Housing Board
- Banking resolutions to open CD for the Old Harbor Dock Construction Fund
- Authorize closure of the “School Construction Fund” Bank of America account

Finance Director Amy Land was present. She explained the BI Housing Board wants to invest their excess funds and the Town has Old Harbor Dock Construction funds which may be put to use collecting interest. The School Construction Fund has a zero balance.

First Warden Gaffett moved, seconded by Dr. Baute, to approve the banking resolutions to open CDs for the Block Island Housing Board and Old Harbor Dock Construction Funds.

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

First Warden Gaffett moved, seconded by Second Warden Torrey, to authorize the closure of the School Construction Fund Account.

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

7. Receive and act on documents from the Electric Utility Task Group

- Updated report
- Recommendation re: BIPCo Distribution Upgrade Study

EUTG members Barbara MacMullan and Everett Shorey were present. They explained the report has been updated to reflect the effect of higher oil prices, and added scenarios for wind farm with and without a cable. The EUTG’s report is attached to these minutes.

The EUTG recommends the Town pursue a distribution upgrade with the PUC. It is to the customer’s interest to upgrade the distribution system. The Town could strongly encourage BIPCo to pursue grants. The price would be 2 cents per kilowatt hour, based on \$250,000 per year for upgrades estimated at \$3.25 in January, 2010.

Dr. Baute moved to write to the PUC and tell them to consider the advice of the EUTG and move forward to improve distribution system on Block Island, seconded by Mr. Torrey.

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

- RFQ re: land-based wind turbine feasibility study

The EUTG updated the RFQ for a feasibility study for land-based WECS. Ms. MacMullan explained scope has changed from an analysis of a single site (the transfer station). The new Request asks for criteria to use to select potential sites, and asks applicants to apply the criteria to four sites, and also to propose other sites.

There was discussion of a pending grant application for a feasibility study through Washington County Regional Planning Council, linked with four other municipalities. The Town will know in mid-June if the WCRPC receives the grant, which would fund separate studies for five communities. The consensus of the Council was to wait until mid-June to see if the WCRPC’s grant is received before issuing its own RFQ.

8. Receive and act on letter from Rustic Rides Farm, Inc. re: use of Town roads

First Warden Gaffett moved to approve the request of Rustic Rides, Inc. to use Old Mill Road, Dorry's Cove Road, Grace's Cove Road and Champlin Road from May to September 2010, and to use all other Town Roads from October 2010 – May 2011. Rustic Rides is required to continue to work and cooperate with Superintendent of the Roads Mike Shea and Town Manager Nancy Dodge regarding road maintenance requests; and that all "rules of the road" be followed, including keeping the horses to the right. The motion was seconded by Mr. Torrey.

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

9. Receive and act on letter from Commission on Motor Vehicles for Hire re: proposed ordinance changes

Motor Vehicles Chair Vin McAloon was present, as was Commissioner Connie Larue. Mr McAloon said the Commission's suggestions for amendments to the ordinance came from a petition signed by 27 of 34 owners. The Commission suggests language that would allow three, rather than four, relief drivers per taxi and would also require drivers to read and understand the ordinance. A brief discussion followed.

First Warden Gaffett moved to set a May 19, 2010 public hearing date for changes to the Motor vehicles for hire ordinance.

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

10. Receive and act on letter from Narragansett Council Boy Scouts of America re: temporary permit for portable restrooms at the Boy Scout camp grounds

Dr. Baute moved to grant a special temporary permit for the Boy Scouts in accordance with the request in their letter of April 1, 2010, seconded by Mr. Martin.

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

11. Receive informational letter from Lesley Boutin re: opening date for McNamara's

Ms. Gaffett explained the item was informational; the Town Council received notice from Lesley Boutin that McNamara's plans to be open April 30, 2010.

12. Correspondence:

- Justin Abrams re: Planning Board Public Hearing re: Plat 7 Lot 33
- CRMC re: Cease and Desist Order Plat 5 Lots 107, 108, 109,111, 112
- BIRA re: PUC docket 4111 public comment
- Chris Warfel re: aquaculture "grow out" sites

The correspondence was informational. No action was needed or taken.

13. Minutes: March 1, March 3, March 17 (open & closed), March 22, March 24, and March 26, 2010

No action was required for the March 3, 2010 minutes because they were already approved.

Ms. Gaffett moved to approve the minutes of March 1, 2010 (alarm system), March 17, 2010, March 22, 2010 and March 24, 2010 with changes noted. Motion was seconded by Mr. Torrey.

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

14. Receive and Act on letter from Joseph Priestley re: Intrusion onto Cooneymus Road at its westerly end. Portions of this discussion may be held in closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation

At 8:45, Ms. Gaffett moved to enter closed session pursuant to RIGL 42-46-5(a)(2) for the discussion of potential litigation, and to invite Attorney Joseph Priestley and his clients Bruce and Margaret Montgomery. Motion was seconded by Mr. Torrey.

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

At 9:20, Ms. Gaffett moved to adjourn the closed session, and seal the minutes, seconded by Mr. Martin.

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

At 9:20, Mr. Martin moved to adjourn, seconded by Mr. Lacoste.

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

Minutes approved May 4, 2010

Fiona Fitzpatrick, Town Clerk