

**New Shoreham Town Council Meeting**  
**Wednesday, January 20, 2010**  
**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 Town Councilor Richard P. Martin. Also present was Town Manager Nancy O. Dodge, Town Attorney Donald J. Packer, and Planner Jane Weidman. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

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

**Warden's Report:**

The Town's budget for fiscal year 2011 will be presented to the Town Council on March 1. The first budget work session will be March 3, 2009. Ballard's has filed application for Zoning Ordinance and Map amendments to create a planned development zone to allow changes they plan at their facility; they have also applied to amend the Town's Comprehensive Plan in support of the ordinance changes.

**Public Input:**

There was no input from the public.

**1. Public Hearing:**

Proposed amendment to Town of New Shoreham Zoning Ordinance re: Trade Trailers [to amend Article 1, Section 111 (General Prohibitions) and Section 112 (Special Temporary Permits) and to add a new Section 516 ("Trades Trailers") to Article 5 (Performance Standards)]

Planning Board members Margie Comings, Robbie Gilpin, Kevin Hoyt, and Neil Lang were present. The First Warden noted the Planning Board's transmittal letter, which is attached to these minutes. Planner Jane Weidman reviewed the proposed ordinance and answered questions.

A discussion ensued. Several suggestions for changes were offered:

- Clarify that the length refers to box size, and does not include tongue. (There was general support for clarification)
- Limit trailer length to 16 feet, with up to 24 feet allowed by dimensional variance (Some said this would be burdensome)
- Require a setback for trailer storage (Little support because trades trailers are typically stored in driveways which would not meet setbacks; the least obtrusive area on a lot is not necessarily set back from the property line.)
- Require fencing or vegetative screening for trailer storage (There was support, but it was seen as not always practical, and not always the least obtrusive option.)
- Give the Building Official the discretion to choose trailer storage location (Little support)
- Regulate the required identification with regard to size, font or color (Not perceived as a problem needing regulation)
- Regulate the color of trades trailers (A solution when neighbors object to trailer color.)
- Eliminating the requirement that trades trailers be stored at the residence or business property of the owner (Allowance for tradesmen who do not have residence or business property)

At 8:30, with no further comments offered, First Warden Gaffett closed the public hearing.

First Warden Gaffett moved to adopt the changes to the Zoning Ordinance as advertised, with further changes to Section 516: to add "box size" to 516 A(4), and to change the last sentence of 516 C to read: "No more than one such trailer for each registered contractor or tradesperson, with a maximum of two trailers, shall be allowed on a property." The motion was seconded by Mr. Martin.

Mr. Torrey moved to amend, to add a new subsection 516 A (6): "Trailers shall be painted a neutral color or a color that blends with the surrounding environment." Dr. Baute seconded the motion to amend.

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

The motion to amend carried.

Dr. Baute moved to amend, to change 516 A (4) to read “Box size does not exceed eight (8) feet in width, nor sixteen (16) feet in length” and to allow applicants to seek a variance for larger trailers. Motion to amend was seconded by Mr. Torrey.

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

The motion to amend did not carry. Ms. Gaffett called the amended main motion:

To adopt the changes to the Zoning Ordinance as advertised, with further changes to Section 516: to add “box size” to 516 A (4), and to change the last sentence of 516 C to read: “No more than one such trailer for each registered contractor or tradesperson, with a maximum of two trailers, shall be allowed on a property” and to add a new subsection 516 A (6): “Trailers shall be painted a neutral color or a color that blends with the surrounding environment.”

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

**2. Act on recommendation of Town of New Shoreham Sewer District Commission to extend the Sewer District to include Plat 5 Lots 76-2, 76-3 and 77**

Ms. Gaffett recused because her family owns a property under consideration.

Second Warden Torrey explained the Sewer District Commission recommended the additions, which were requested by the property owners. The lots are contiguous with the district. Norris Pike and Nat Gaffett were present as property owners. Kevin Hoyt objected to the additions on the grounds that the trend to add properties to the Sewer District was not best for the aquifer because water from private wells would be treated and eventually discharged off the sewer jetty, and not available to recharge the aquifer. Mr. Pike and Mr. Gaffett noted that the area in question is sensitive, it drains to Trims Pond. Moreover, there is plenty of water in the area, a very shallow water table and a spring on the surface that flows year round.

Second Warden Torrey moved to approve the recommendation of the Sewer District to add Plat 5, Lot 76-2, 76-3 and 77 to the Sewer District. Motion seconded by Dr. Baute.

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

**3. Act on letter from BIED Foundation Inc. regarding request to waive Victualing License fee**

Dr. Baute moved to waive the \$50 victualling license fee for the non-profit Block Island Economic Development Foundation’s community kitchen.

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

**4. Act on letter from Deepwater Wind regarding renewal of Special Temporary Permits for Met Tower and Lidar**

Bryan Wilson, Deepwater Wind’s local liaison, presented the request that the Special Temporary Permits for the meteorological equipment on town land at the Coast Guard Station and North Light be extended for six months in accordance with Section 112 of the Town’s Zoning Ordinance. The six months extension for the equipment at the North Light would extend the STP from April 30, 2010 to October 30, 2010. The six months extension for the equipment at the Coast Guard Station would extend the STP from January 21, 2010 to July 21, 2010.

A letter of objection from Mike Delia, who could not be at tonight’s meeting, was read into the record.

Ms. Gaffett read from the minutes of March 3, 2008, and said that many of the reasons given at that time for granting Deepwater’s Special Temporary Permits still pertain.

Dr. Baute moved to grant Deepwater Wind’s request for six month extensions of their Special Temporary Permits, as outlined in Deepwater’s letter of January 12, 2010. Motion was seconded by Mr. Torrey.

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

Nays: 0

**5. Receive and Act on TNS Police Department monthly report: December, 2009**

Chief Carlone was detained by his duties and unable to attend.

Ms. Gaffett moved to receive the December, 2009 report of the TNS Police Department, seconded by Dr. Baute.

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

Nays: 0

**6. Discuss possible changes to the membership, structure, and charge of the Shellfish Commission**

First Warden Gaffett explained the item was on the agenda as a result of Chris Warfel's several correspondences about the Shellfish Commission's responsibilities and membership. Shellfish Commission Chair Lois Bendokas, Shellfish Commission member Catherine Puckett, Committee for the Great Salt Pond's Andre Boudreau and Mr. Warfel were present. A wide ranging discussion ensued.

Mr. Warfel expressed his concerns about the health of the Great Salt Pond. He sees increasing siltation, decreasing water quality and deteriorating shellfish habitat. He believes his aquaculture lease could be jeopardized or not renewed by the state due to poor water quality. He believes the Shellfish Commission is the appropriate body to act for the Town, aggressively and proactively, to improve the health of the Great Salt Pond. He favors a change in membership to a more active commission with a wider vision.

Ms. Bendokas pointed out the effective continuing work of the Shellfish Commission to seed clams, and to work with the DEM on water quality certification to keep shellfishing open, and to balance the needs of all who use the Great Salt Pond. The Shellfish Commission meets more than ever before, and does not even have time to look at finfishing, a component of its charge. She suggested the use of subcommittees to look at these issues.

Issues discussed by those present included:

- The loss of the Great Salt Pond ad hoc group closed an important avenue for planning, testing and communication
- Current/long term water testing and data collection may or may not need to be expanded
- Shellfish habitat restoration
- Siltation and dredging
- Poor water quality tests may or may not be understood and pursued
- Grant opportunities
- The Conservation Commission and Harbors Committee also have responsibility for the health of the Great Salt Pond
- The Shellfish Commission is not in favor of expanding membership

The Town Council will call a meeting with the Shellfish Commission to continue the discussion.

**7. Town Manager updates: Town Hall photovoltaic system, Old Harbor Dock, snow removal issues, status of energy and other grant applications**

Snow Removal Highway Supervisor Michael Shea was present and discussed his response to the two recent heavy snow storms.

Old Harbor Dock Project Manager Sam Bird was present. Two contaminants have been found on site: creosote and gasoline. The extent is unknown at this time and further testing and remediation is needed before the project may continue. The contractor has agreed to hold the price and not charge for demobilization and remobilization for a restart in September, 2010. There will be some added costs to reconnect the plumbing and electricity on the east dock, and to patch some holes. The sheet metal has been purchased and will be inventoried and stored at the Power Company and on the mainland.

Grant applications Washington County Regional Planning is coordinating the grant which may pay for the wind turbine feasibility study.

Photovoltaic array at Town Hall was connected last week and has generated 415 kW.

**8. Act on Town Council Resolution regarding altering the work plan of road resurfacing funded via the Department of Transportation using RI-LEAP funds**

A resolution is required in order to use LEAP funds for work on Chapel Street, if the \$250,000 can be stretched. The resolution is attached to these minutes.

First Warden Gaffett moved to adopt a resolution altering the work plan of road resurfacing funded via the Department of Transportation using RI-LEAP funds, seconded by Second Warden Torrey.

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

**9. Act on Town of New Shoreham Resolution re: Town participation in New England Power Pool**

The Town's consultant Richard Lacapra recommended the Town become a monitoring member of the New England Power Pool. The resolution is attached to these minutes.

First Warden Gaffett adopt a resolution to become a participant in the NE Power Pool, seconded by Mr. Torrey.

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

**10. Annual Appointments continued: CRMC Representative, Harbors Committee, Juvenile Hearing Review Board, New Shoreham Tourism Council, Shellfish Commission**

No action was taken on the appointment of the Town's CRMC Representative.

Ms. Gaffett moved to reappoint Renwick Tweedy and Arlene Tunney to three-year terms on the Harbors Committee expiring in December, 2012, and to reappoint alternate member Robert Littlefield to a one-year term, and to send retiring member Ed Northup a letter of thanks for his service. Motion was seconded by Mr. Torrey.

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

Dr. Baute moved to send letters of thanks to retiring Juvenile Hearing Review Board members Celeste Helterline and Mike Shea, and to appoint Shirlyne Gubern to a three-year term on the board. Motion was seconded by Mr. Lacoste.

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

Mr. Lacoste moved to appoint Steve Filippi to a two-year term on the Tourism Council expiring in December, 2011, and to send retiring member Edward McGovern a letter of thanks. Motion was seconded by Mr. Torrey.

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

Ms. Gaffett moved to reappoint Lois Bendokas and Hermann Gempp to three-year terms on the Shellfish Commission expiring in December, 2012. Motion seconded by Mr. Martin.

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

**11. Approval of Minutes: December 16, 2009 (open and closed), January 4, 2010 and January 6, 2010.**

Dr. Baute moved to approve the minutes with changes discussed, seconded by Mr. Martin

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

**12. Review upcoming meeting schedule**

The Council will evaluate the Town Manager on February 16, 2010. A meeting with the Shellfish Commission must be scheduled.

**13. Personnel Hearing [this item may be held in closed session pursuant to Rhode Island General Laws 42-46-5(a)(1)]**

At 11:12, First Warden Gaffett moved to enter closed session pursuant to RIGL 42-46-5(a)(1) for discussion of a personnel matter. Motion seconded by Mr. Torrey.

Mr. Lacoste recused from the proceedings and left the meeting because he has a business relationship with the subject of the discussion.

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

At 12:00, a motion to adjourn the closed session was made by Ms. Gaffett and seconded by Mr. Torrey.

First Warden Gaffett noted for the record that two motions were voted on during the closed session.

Ms. Gaffett moved to seal the executive session minutes, seconded by Second Warden Torrey.

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

At 12:05, Mr. Torrey moved to adjourn, seconded by Mr. Martin.

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

Minutes approved February 1, 2010

Fiona Fitzpatrick  
Town Clerk