

**New Shoreham Town Council Meeting**  
**Town Hall, Old Town Road, Block Island**  
**Wednesday, October 20, 2010**  
**7:00 p.m.**

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

**Warden's Report:** First Warden Kimberley Gaffett reported a shellfish closure is in effect for Cormorant Cove and areas 2 and 3 north of Andy's Way. The closure to let transplanted shellfish settle into their new grounds will remain in effect until October 26. Sample ballots are available at Town Hall, voters may mark the five-page ballot and take it into the polls. The North Light will be relit on Saturday, October 23, 2010. The lighthouse has been completely renovated. The light will shine again from the fresnel lens in the North Light tower, now a town owned private aid to navigation. It is a great accomplishment for the North Light Commission and Gil Plumb and Rob Gilpin. A mistake in the abstract for Deer Hunting, there will be no hunting on Saturday, December 11. Last night the Ocean SAMP was approved at the CRMC. The State has taken on Zoning and Planning of open water. In the Old Harbor project, the South Dock has been removed and old Harbormasters shack is gone.

**Public Input:** Rosemarie Ives commented on the SAMP. She read a statement regarding her view of proceedings of the Electric Utility Task Group. Ms. Ives said she filed multiple Open Meetings Act complaints against the EUTG with the Attorney General's Office. Ms. Ives also requested two statements be added to the record (her comments at the October 4, 2010 meeting regarding the EUTG's letter of support a Raytheon grant application, and comments about Deepwater Wind). Mary Jane Balser noted the grant application to upgrade BIPCo's distribution system is making its way through the system. She spoke passionately about 4 catastrophic outages sustained by the Block Island Grocery in the past year which her insurance company will not cover because the losses were caused by a fossil fuel generated system. Ms. Balser said the current situation cannot be sustained and she suggests floating a bond to cover the costs of a cable to the mainland. Margie Comings reported on Scenic Block Island's recent meeting.

**1. Receive and act on report on Old Harbor Task Force re: Esta's Park**

Margie Comings reported. The group has raised about 75% of the funds needed to renovate Esta's Park through sale of bricks, benches and Lions Club donations. Proceeds from the Turkey Trot race will help close the gap. The fence and benches have been removed for the renovations which will be completed in the next six months. Ms. Gaffett noted the group came before the Council with a preliminary plan in March, 2009 and a final plan for the project has not been submitted. Ms. Comings will bring the current plan to Town Hall. No action was taken.

**2. Establish process and preliminary discussion re: use of planning for Old Harbor Lots 146 & 147**

A discussion ensued. The First Warden will set a date for a public discussion on the topic, it is hoped stakeholders will attend and a study group may be formed from those interested.

**3. Ratheon grant application for Energy Storage System study:**

- receive description and update of the proposal
- receive and act on letter requesting TNS support of the grant

No one was present from Raytheon. Paul Rich of Deepwater Wind was present and said Deepwater had no business relationship with Raytheon, but Deepwater is an advocate and proponent for the storage and deployment of alternative energy, including studying the feasibility of energy storage systems.

Mr. Lacoste moved to rescind the letter of support written for Raytheon's energy storage study grant application until such time as the Town can vote to support it. There was no second.

Dr. Baute moved to take no action on the grant application, and not act upon it until there has been a presentation from the Raytheon Corporation.

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

Ms. Gaffett and Mr. Torrey noted their support for the Electric Utility Task Group's decision to send a letter in support of Raytheon's energy storage system, a decision recently ratified by the EUTG.

**4. Brownfields Targeted Assessment Grant Application**

The Town Manager explained the Harbormaster's shack in New Harbor rests on a creosote soaked barge. The barge is not owned by the Town, but the Town claims ownership of the Great Salt Pond, has used the barge for years and is acting as a "good citizen." The Town may act to remove the barge, and an assessment is the first step. Town Manager Dodge said the Town did not receive an EPA grant for assessment of the barge. Bill Penn has been pursuing an assessment grant through the RI Department of Environmental Management. There is no guarantee the Harbormaster's shack, or any recreational facilities, will be built at the present location of the barge.

Ms. Gaffett moved to authorize the grant application for funds to assess and remove the barge, as discussed. Motion seconded by Mr. Torrey.

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

**5. Update from Deepwater Wind**

Deepwater Wind's Paul Rich reported. There has been no action on the loan guarantee application before the Department of Energy has DOE. Two years in the making, the state's Ocean SAMP has been adopted by unanimous vote of the Coastal Resources Management Council. First Warden Kim Gaffett represented Block Island as a stakeholder. The SAMP is a significant, groundbreaking planning document for the state's ocean waters. An appeal of the PUC's decision regarding the Deepwater Wind's power purchase agreement with National Grid is being heard by the RI Supreme Court, a decision is expected in April. Deepwater continues to

work with Quonset Development Corporation on land use development of the site for current tenants and to planning for offshore wind development.

Deepwater's Bryan Wilson reported on prototype technology combining a spar buoy with lidar. The unit will not be driven into the sea floor, it is ballasted below and can be redeployed. It has been calibrated against the lidar at the Coast Guard Station and will be deployed ¾ mile off the entrance to New Harbor to continue to measure the wind resource. It can also be used to develop a database on birds, bats, and marine mammals. The prototype will be redeployed in New Jersey, Deepwater will likely purchase a second unit and deploy it at the test site 2.8 miles offshore for one year. Four Island residents are employed to monitor and service the spar buoy and lidar. The spar buoy will be deployed on Wednesday or Thursday, weather permitting.

No action was needed or taken by the Town Council.

**6. Receive and act on letter from Linda Pearson Re: year round rental of Salt Pond Settlement unit #A3**

First Warden Gaffett recused because she is a one of several beneficiaries of a trust which owns a Salt Pond Settlement unit.

Linda Pearson was present. She owns unit #A3, a moderately priced unit deed restricted to year round residence. She appeared before the Town Council asking for permission to rent. Policy adopted October 5, 2005 states "The Town Council will consider requests by owners to rent their units on a case-by-case basis. The unit must be actively listed for sale. The unit may be rented for a maximum of one year, beginning on the date of the Town Council approval. The owner must provide a rental agreement and a written statement explaining the public benefit of the rental. The tenant must reside on Block Island. The rent will be no higher than HUD's current high home fair market rate for New Shoreham. The rental agreement will remain on record at Town Hall, and any changes must be approved by the Town Council."

Ms. Pearson said is eligible under the policy and has a year round tenant in mind to begin a one-year lease beginning November 1, 2010. The rent for the one bedroom is established by HUD's current high home fair market rent at \$865 plus utilities. The unit will continue to be listed with a realtor, G. Frank Hanaway Agency in Cumberland.

Second Warden Torrey moved to grant conditional approval to Linda Pearson to rent her Salt Pond Settlement condominium from November 1, 2010 to October 31, 2011, subject to conditions: that the rental agreement be provided and kept on file at Town Hall, that the unit be occupied by a year round tenant, that it continue to be actively listed for sale, that it be rented for a maximum of one year, that the rent be \$865 per month without utilities. Motion seconded by Dr. Baute.

Ayes: 3 (Torrey, Lacoste, Baute)    Nays: 0    Absent: 1 (Martin)    Recuse: 1 (Gaffett)

**7. Receive and act TNS Police Department monthly report: September 2010 Moped and bike safety**

Chief Carlone was present.

First Warden Gaffett moved to approve the report, seconded by Mr. Torrey.

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

**8. Discuss moped and bicycle safety issues**

A letter was received from the Block Island Medical Center Board of Director expressing concern that the number of accidents involving serious injury and air transport was up considerably this year. Chief Carlone reported there were 32 bike accidents and 45 moped accidents from January 1 through August 15, 2010. There were 27 moped accidents in 2009. Dr. Baute asked for more information regarding degree of severity of accidents. Representatives from the Rescue Squad and Medical Center Kate and members of the public discussed enforcement, child safety, signage, helmet laws, and moped engine size. Causes for operator error, and the location and extent of operator training for mopeds was discussed at length.

Ms. Gaffett suggested that the concerned individuals get together and develop concrete ideas to improve the situation, then schedule a working meeting with the Town Council, perhaps at the interim December meeting, well before the deadline to submit state legislation.

**9. Board, Committee and Commissions:**

**• act on appointment to the Conservation Commission**

Corrie Heinz resigned from the Conservation Commission. The Conservation Commission suggested David Roosa to fill the vacancy. Letters of interest were received from Johanna Ross and Fred Leeder.

Ms. Gaffett moved to appoint David Roosa to fill the unexpired term of Corrie Heinz, to expand the board from six to seven members and to appoint Johanna Ross. The motion was not seconded.

Dr. Baute moved to appoint David Roosa for the unexpired term of Corrie Heinz, and Fred Leeder, seconded by Ray Torrey.

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

Ms. Ross's name will be kept on file and she will be encouraged to attend meetings.

**10. Receive and act on memo from Don Packer re: Historic District Zoning amendments**

First Warden Gaffett noted the Historic District Commission submitted proposed changes to TNS Ordinances Chapter 7 which would allow property owners across the Island to join the Historic District. A legal review by Attorney Packer determined that state enabling legislation is required for the change. The November 1, 2010 public hearing will not go forward.

**11. Act on Open Session Minutes: October 4, 2010, October 6, 2010**

First Warden Gaffett moved to approve the minutes of October 4 and October 6 with changes noted, seconded by Mr. Lacoste.

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

**12. Act on Closed Session Minutes of September 7, 2010 [this item may discussed in closed session pursuant to Rhode Island General Laws 42-46-5(a)(2) for sessions pertaining to litigation]**

Ms. Gaffett moved into closed session to discuss the closed session minutes of September 7, 2010. Motion seconded by Dr. Baute.

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

The minutes were discussed and changes made.

Ms. Gaffett moved to approve the closed session minutes of September 7, 2010, which are sealed. Motion seconded by Mr. Lacoste.

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

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

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

There was no motion to seal the minutes of October 20, 2010, which are above.

At 10:00, a motion to adjourn was made by Mr. Torrey, seconded by Dr. Baute.

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

Minutes approved November 1, 2010

Fiona Fitzpatrick,  
Town Clerk