

**New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island
Monday, December 6, 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 was Town Manager Nancy O. Dodge and Town Solicitor Katherine Merolla. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:10.

Public Input: Edie Blane asked whether on John Hopf's plan to construct steps at shoreline access points, as described in his letter to the Block Island Times, will be submitted to the Town Council for their review. She does not want steps at Andy's Way and other points used for boat trailers. She also said the owner of a property north of Andy's Way removed a boundary wall and is encroaching on Town property. She said erosion is undermining the sidewalk at the Surf Hotel corner. Linda Spak said she wants the Library open on Sundays again. Bud Comeau said Beacon Hill Road is in poor condition.

1. Board of Licenses Commissioners: Act on Moped License Renewal Applications

Mike Finnimore was present.

First Warden Gaffett moved to renew the motorized tricycle, bicycle and scooter licenses for: Aldo's Mopeds Inc., Finnimore and Fisher, Inc., dba Island Mopeds, Miles-Un-Limited, Inc., The Moped Man, Inc. and Ocean State Bikes, Inc., all pending receipt of registration numbers as issued by the State of Rhode Island, Vehicle Identification Numbers as issued by the manufacturer of each vehicle and licensing fees. Each license is for the rental of 34 vehicles in accordance with the ordinances of the Town of New Shoreham, with such license to expire December 31, 2011. Any lease agreement between a moped renter and the licensee shall include hours of operation, safety features, information regarding operation on unimproved roads, and the following language: "The horn on the vehicle is a piece of equipment designed for emergency use and should be used only in this fashion." The motion was seconded by Mr. Torrey.

Mr. Martin said the identification tags should be bigger. The concern will be discussed with the Chief of Police at an upcoming meeting. Ms. Gaffett requested the Clerk to provide a copy of the Town's gasoline storage ordinance to each licensee. Mr. Lacoste asked that trainers emphasize that only the trained person should drive the moped. He also wants the rental operations to be proactive in preventing small riders from riding in front of the driver; if they are not tall enough to ride behind the driver and touch the pedals, they may not ride. Bike and moped safety will be addressed at the next Town Council meeting.

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

Nays: 0

2. Receive and act on letter from Attorney Evan Leviss re: Mr. & Mrs. Montgomery request regarding Cooneymus Road [Portions of this discussion may held in closed session pursuant to Rhode Island General Law 42-46-5(a)(2) for the discussion of potential litigation]

Bruce and Margaret Montgomery were present with their attorney Evan Leviss. Ms. Gaffett reported that the Council met earlier on a work session with legal counsel Katherine Merolla, who advised that the road may be opened and maintained to its full 33 feet to the beach or abandoned. Discussion ensued.

Mr. Martin made a motion to remove the privet hedges in Cooneymus Road back to the Lee's eastern boundary, and to maintain an eight foot travel way along the existing pathway within the 33 foot road to the beach. Motion was seconded by Mr. Torrey.

Discussion ensued regarding whether vehicles including emergency vehicles would need a wider passageway. Cliff McGinnes said the Power Company will remove any utility structures that impede.

Mr. Martin moved to amend his motion to "a twelve foot travel way" seconded by Mr. Torrey.

Ayes: 3 (Gaffett, Lacoste, Martin)

Nays: 2 (Baute, Torrey)

Mrs. Montgomery requested the rosa rugosa planted at the request of the Town be removed from town property in front of the Montgomery's land because it prevented her from accessing her property. It was explained the rosa rugosa was planted to prevent parking in an area that might block the Lee's access. She was advised that the question would be taken up in the course of review of any road cut permit the Montgomerys requested.

The amended main motion was called: to remove the privet hedges back to the Lee's eastern boundary, and to maintain a twelve foot travel way along the existing pathway within the 33 foot road to the beach.

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

Gaffett moved to take action to identify the Town's property boundaries at Cooneymus Road, seconded by Mr. Lacoste.

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

3. Receive and act on letter from Chris Warfel re: oyster habitat restoration/cultch restoration program

Chris Warfel was present. He said the cultch program is a success. Residents have brought their clam and oyster shells to the state beach collection site in the winter and the shell cultch has been put in the Great Salt Pond as a low-cost part of the restoration process. Cultch improves oyster habitat, water quality is improved by oysters. Mr. Warfel suggested the Town support cultch collection and GSP restoration by finding a spot at the transfer station for summer collection.

Ms. Gaffett noted DEM approval is required for change to the Transfer Station program, but that should not be an impediment.

Ms. Gaffett moved to endorse concept of developing cultch program for Town, and to direct the Town Manager to work with Mr. Warfel and the operators of the transfer station to identify an appropriate collection area, to secure any DEM approvals required, and to continue to manage the cultch collection at the Town Beach in the winter. Motion seconded by Dr. Baute.

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

4. Act on request of Scenic Block Island re: Certified Local Government grant-in-aid application for Historic Preservation

Pam Gasner was present. She explained Scenic Block Island, the Nature Conservancy, the Block Island Conservation Trust, the Block Island Historical Society and Preserve Rhode Island are collaborating to develop a voluntary historic building preservation easement program on Block Island. They are working on properties outside the Historic District. A property must be listed in the National Register of Historic Places to get a federal tax deduction for the building preservation easement.

The Town is eligible to apply for a grant from the Rhode Island Historic Preservation and Heritage Commission to nominate properties to the National Register. The \$25,000 grant will pay for the preparation of a context statement detailing the architectural history of Block Island, and four individual nominations. If successful, \$12,500 in cash will be received and \$12,500 of in-kind matching services will be donated by applicant organization and the Town.

Discussion ensued. The grant will be submitted by Heidi Tarbox and administered by the Finance Director.

First Warden Gaffett moved to support the grant application and authorize the Town Manager to sign the application and coordinate with Scenic Block Island on the application.

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

5. Receive Town Manager update on Old Harbor Dock project

Town Manager Dodge reported the sheet pile for bulkhead is almost all driven, it will probably be completed next week. After the sheet pile is driven Reagan will provide a revised schedule. The docks will not be prefabricated on the mainland, they will be built on site. Due to soil conditions, the building will be constructed on 35 foot piles, and the plumbing and utilities will be suspended under the building. Walter Kast plans to have revised specs for Harbormasters building later this week. Reagan Construction hired Bruce White to work on the fire suppression waterline, the materials should be here at the end of this week.

6. Receive and act on New Shoreham Police Department monthly report: November 2010

First Warden Gaffett moved to receive the New Shoreham Police Department report of November 2010, seconded by Mr. Martin.

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

7. Boards, Committees and Commissions: Receive letters of resignation

- **Susan Torrey from Historic District Commission**
- **Janet Merritt from Recreation Board**

Ms. Gaffett moved to accept the resignations of Susan Torrey from the Historic District Commission and Janet Merritt from the Recreation Board, and to send them letters of thanks, seconded by Mr. Martin.

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

8. Correspondence: Deer Task Force re: hunting on BI Land Trust land; Nicholas Ratti re: wind power

No action was needed or taken by the Town Council.

9. Minutes: November 1, 2010

Ms. Gaffett moved to approve the minutes of November 1, 2010 with changes noted, seconded by Mr. Lacoste.

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

At 9:10, Ms. Gaffett moved to adjourn, seconded by Mr. Torrey.

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

Minutes approved: December 15, 2010

Fiona Fitzpatrick
Town Clerk