

**New Shoreham Town Council Minutes**  
**Town Hall, Old Town Road, Block Island**  
**Wednesday, July 18, 2012**  
**7:00 p.m.**

**Present:** First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilors Peter B. Baute, Kenneth C. Lacoste and Richard P. Martin. Also present were Town Manager Nancy O. Dodge and Town Solicitor Katherine Merolla. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

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

**Warden's Report**

The First Warden reported the CRMC is scheduled to hold limited discussion on the Champlin's Marina application at the Narragansett Town Hall 6:00 pm July 31, 2012. Jerry Sahagian is a returning member on the CRMC. The US Fish and Wildlife will accept comment on their proposed hunting policy until August 10. RI lands affected are Ninigrit Wildlife Refuge and the Block Island Wildlife Refuge. She also reported applicant Aldo Leone withdrew a proposal to amend the ordinances regarding game licenses and amusements; the previously scheduled Public Hearing is not necessary.

**Public Input**

Fred Nelson was present and paraphrased his letter of (June 20 agenda) and said he was not satisfied because he wanted his questions answered. Cliff McGinnes suggested adding streetlights between the Oar Restaurant and Champlin's Marina on West Side Road. The Council will take suggestions from the Police Chief for safety lighting.

**1. Police Chief Carlone report on July 4<sup>th</sup> celebration week**

Chief Carlone was present. He said the holiday celebration was a lot better due to a coordinated effort of law enforcement and volunteers. He said the Town should have a similar level of preparation going forward. Morning showers and the Wednesday holiday may have kept some people away. Those present thanked the Chief, the State Police, Rescue Captain Bryan Wilson and the members of the squad, Fire Chief Tristan Payne and the members of the department, and the RI DMAT team.

**2. Receive and act on NSPD monthly report: June**

Ms. Gaffett moved, seconded by Mr. Martin, to accept the Police report for the month of June, 2012.

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

**3. Act on Finance Director recommendation re: Quarterly Municipal Deficit Report (June 30, 2012)**

The item was not considered because the figures for the school are not available.

**4. Review and act on renewal and proposed changes to the Moped Settlement Agreement**

Although invited, no one was present for the moped rental businesses. Ms. Gaffett reported on an issue raised at the last meeting, doubling the \$40 per vehicle license fee. License fees are set in state law. The terms of the agreement prohibit either party from petitioning for changes under state law. Ms. Gaffett said the licensees agreed to contribute \$40 per moped to be split between the Rescue Squad and the Medical Center. Those present supported putting the voluntary contribution in the extension of the settlement agreement.

A discussion of two-stroke versus four-stroke engines continued from the previous meeting; Dr. Baute suggested signing a one-year extension of the moped agreement to use the year to research the Town's ability to ban two-stroke engines because they pollute more. Mr. Lacoste said two-stroke engines are worse when they are overloaded. He said the second paragraph of the extension agreement allows the town to enact reasonable regulation for safety and could be interpreted to establish a weight limit. Discussion ensued.

Peter Baute moved to authorize a one year extension of the amendment to the Federal Court consent judgment reflecting the original settlement with the moped dealers with the addition of

\$40 voluntary contribution to be split between the Rescue Squad and Medical Center seconded by First Warden Gaffett. Dr. Baute withdrew his motion.

Mr. Martin moved to authorize a one year extension of the amendment to the Federal Court consent judgment reflecting the original settlement with the moped dealers with the addition of \$40 voluntary contribution to be split between the Rescue Squad and Medical Center seconded by Mr. Torrey.

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

Ms. Gaffett stated for the record she believes the one year term is too short.

**5. Receive report and update from Wastewater Management Official on OWTS repair on Plat 8 lot 109 (J.T. Pinney)**

Wastewater Management Official Donald Thimble was present to give the Town Council a progress report. Kevin Hoyt was present for Mr. Pinney. He was hired by Mr. Pinney to design an onsite wastewater treatment System (OWTS) to replace his steel septic tank and drain field. Mr. Hoyt said he completed the soil evaluation and submitted it to DEM July 9. He anticipates completing the design and submitting it by August 10. He has not been contracted to install the system, he clarified that a contract will not be written until a system design has been approved. Mr. Thimble said the progress is too slow. Mr. Hoyt said his timeline is realistic during the busy season. Mr. Hoyt said the existing system appears to be functioning as designed and there is no apparent threat to the neighborhood.

Ms. Gaffett noted the job is on schedule and the system appears to be functioning with no apparent threat to the neighborhood. She said the priority is getting a new system in the ground. She suggested waiving the fines while progress continues to be made, and reevaluating at the first meeting in September.

**6. Act on Town Manager recommendation re: contract for IT services**

Ms. Gaffett recommended postponing approval of this contract until the Town adopts a policy for service and supply contracts.

**7. Review and act on proposed Town of New Shoreham energy conservation projects through Washington County Regional Planning Council "ESCO" program**

Washington County Regional Planning Council Executive Director Jeff Broadhead was present.

Dr. Baute lead a discussion of the options presented by Johnson Controls. He recommended waiting for direction from the School Committee regarding the school programs. He reported meeting with Water and Sewer Superintendents who said did not recommend ESCO financing for any of the recommended retrofits, the facilities have had recent energy audits. Dr. Baute went through the Health Services building and could not agree with the Johnson Control numbers regarding building use, and did not recommend their retrofits. He acknowledges there are retrofits at the Police Station that are probably worthwhile but Johnson Controls could not isolate the Police Department from the Fire Barn. The Fire Barn may be replaced before the improvements are paid off, so he does not recommend investing in the buildings at this time. He noted Rescue Squad Captain Bryan Wilson disagreed with Johnson Controls estimates of building size and use, piping, etc. in the new Rescue building and said Wilson did not recommend ESCO financing for retrofits. He believes the Library figures for use are accurate and he recommends lighting fixture retrofits, water saving retrofits and computer management retrofits. Discussion ensued regarding Dave Ward's secondary investigation of the interface between the heating and cooling systems and monitoring for humidity. Dr. Baute would also recommend computer management retrofits at Town Hall. Discussion ensued. Mr. Broadhead was present and said Johnson Controls may chose to not participate rather than fund relatively few improvements. He recommended looking at some of the projects with seven to ten year payback.

First Warden Gaffett suggested that the Council decide conceptually on the scope and set up a work session with the School to discuss their involvement.

Dr. Baute moved, seconded by Mr. Martin, to move forward conceptually with four items: computer management at Library and Town Hall, lighting retrofit and water management at the Library.

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

**8. Set public hearing dates:**

- **proposed ordinance changes re: electronic game and game room regulations**

Attorney Packer drafted the changes to the Town's Zoning and General Ordinances.

First Warden Gaffett moved to set a Public Hearing on September 4, 2012 to consider changes to the Town's Zoning and General Ordinances re: game and game room regulations. Motion was seconded by Mr. Martin.

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

- **adoption of recodification of New Shoreham General Ordinances**

First Warden Gaffett moved to set a Public Hearing on September 4, 2012 to consider adoption of recodification of New Shoreham General Ordinances. Motion was seconded by Second Warden Torrey.

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

**9. Boards, Committees and Commissions: Announce current openings**

First Warden Gaffett announced there is an opening on the Harbors Committee.

**10. Minutes: December 21, 2011, June 20, 2012 (open and closed), July 2, 2012**

Mr. Lacoste moved to approve the minutes with changes noted, seconded by Mr. Torrey.

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

**11. Correspondence: RI CRMC public notice re: File # 2012-06-020 (.25 acre aquaculture lease application by Sun Farm Oysters)**

There was no comment. Ms. Gaffett noted a complete copy of the application has been distributed to the Town Council. Comment may be made to the CRMC through July 20, 2012

**12. Receive and act on report of Solicitor Report regarding litigation:**

- **TNS vs. Filippi et al (WCSC 2004-0115) "Old Harbor Triangle"; (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)**
- **Waste Haulers BI LLC vs. Block Island Recycling Management, Inc, et als "Transfer Station Litigation" (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)**

At 9:00 Ms. Gaffett made a motion to enter closed session with the Town Attorney pursuant to RI General Laws to receive and act on reports of TNS vs. Filippi et al (WCSC 2004-0115) "Old Harbor Triangle" and Waste Haulers BI LLC vs. Block Island Recycling Management, Inc, et als "Transfer Station Litigation." Motion was seconded by Mr. Torrey.

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

At 9:15, a motion to adjourn the closed session was made by Mr. Torrey and seconded by Dr. Baute.

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

First Warden Gaffett noted no motions were made during the closed session.

At 9:15, Mr. Martin moved to adjourn the meeting, seconded by Mr. Lacoste.

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

Minutes approved August 6, 2012

Fiona Fitzpatrick  
Town Clerk