

**New Shoreham Town Council Meeting Minutes**  
**Town Hall, Old Town Road, Block Island**  
**Monday, March 5, 2012**  
**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 Clerk Fiona Fitzpatrick took the minutes of the meeting.

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

**Warden's Report:** First Warden Gaffett reported the Governor's budget includes a 13% tax on rental homes. More information will be gathered and the item will be on the next Town Council agenda. Legislation to increase the fees for Warden's Court is in committee. The Housing Board has announced the closing on the Jacke property homes will be late in March. Bids for revaluation vendors will go out soon, this is a full revaluation year. Long term Librarian Lonnie Todd will retire in March. The Council is invited to march in Newport's St. Patrick's Day parade. Second Warden Torrey said the next step in judging art entries for the airport is narrowing the field from 281 to 15 on March 15.

**Public Input:** John Willis spoke in animated opposition to a School Committee decision to award a sabbatical to a teacher so she may train to be a principal. Chris Blane said a motorcycle improperly stored on town property, now missing, should not have been stored on town property. Chris Warfel said he believes the electric meter for the transfer station has been removed. Chris Warfel also spoke regarding a Zoning ordinance issue (regarding land based wind energy conversion systems) he has addressed to the Planning Board; he may ask the Town Council for their support with the Planning Board.

**1. Public Hearing Proposed Amendments to the TNS General Ordinances Chapter 19, Utilities, Article VII Wastewater Management**

The changes in the ordinance replace the Sewer Commission with the Town Council in the local ordinance regulating onsite wastewater treatment systems (OWTS). Any property not served by the sewer plant uses OWTS for wastewater treatment. The Sewer Commission has taken the position that they are responsible for the sewer district and sewer plant, not outlying properties served by OWTS. The ordinance change would direct the Town Council, not the Sewer Commission, to hear appeals of the Wastewater Inspector's decisions, hold hearings and assess fines, and lien properties under certain circumstances. Town Manager Dodge said the Zoning Ordinance does not need a change at this time because references to the Sewer Commission's role are all tempered by "or designee" under which the Town Council may act. There was discussion of Sections 8.1 (Maintenance Schedule) and 8.3 (Immediate Need to Pump) which addresses receipts for pumping.

First Warden Kimberley H. Gaffett moved to adopt the ordinance amendments as advertised with changes noted the Town Manager's memorandum of February 26, 2012 regarding section 8.1 (Maintenance Schedule) and 8.3 (Immediate Need to Pump) seconded by Dr. Baute.

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

**2. Receive and act on Annual Report from the Office of Wastewater Management**

Mr. Torrey moved, seconded by Mr. Martin, to accept the Wastewater Management Official's Report of 2011.

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

**3. Act on deer and pheasant hunting dates and regulations for the 2012/2013 hunting season**

First Warden Gaffett explained the Council is setting the hunting dates earlier this year because the RI Department of Environmental Management will be printing the hunting law abstracts earlier. The Council wants to be sure New Shoreham's deer dates are in the abstracts. The Deer Task Force sent a memo with the deer hunting dates they suggest. DTF members Mary Sue Record and Chris Blane were present. Corporal Dematteo was present for the New Shoreham

Police Department. The Council received a letter from Jane Musky asking for less hunting; Arlene Tunney wrote a letter asking for more hunting.

First Warden Gaffett moved to adopt the archery hunting dates recommended by the Deer Task Force, October 9 through November 20, excluding legal holidays and weekends: October 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30 and 31; November 1, 2, 5, 7, 8, 9, 12, 13, 14, 15, 16, 19 and 20, 2012. The motion was seconded by Dr. Baute.

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

Discussion of muzzleloader season: The Town Council believes and intends that muzzle-loading is allowed during shotgun season under Section 3.6 of the DEM's Hunting Regulations.

First Warden Gaffett moved to adopt the muzzleloader dates recommended by the Deer Task Force, November 5 through November 20, excluding legal holidays and weekends: November 5, 7, 8, 9, 12, 13, 14, 15, 16, 19 and 20, 2012. The motion was seconded by Mr. Lacoste.

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

First Warden moved to adopt the shotgun dates recommended by the Deer Task Force, seconded by Mr. Martin: November 26, 27, 29, and 3; December 3, 4, 6, 7, 10, 11, 13, 14, 17, 18, 20 and 21; January 3, 4, 7, 8, 9, 10, 11, 14, 15, 17, 18, 22, 23, 24, 25, 28, 29, 30 and 31; and February 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27 and 28, 2013.

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

A discussion ensued regarding hunting on town property at Andy's Way and Sachem Pond. Ms. Gaffett noted this will be the second year hunting will be allowed during school vacation.

First Warden Gaffett moved to allow hunting on Town land at Andy's Way/West Beach at Plat 20, and at Lot 20 and at Sachem Pond at Plat 1, Lot 16 from the day after the end of waterfowl season in January 2013 to February 28, excluding weekends. The motion was seconded by Dr. Baute.

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

Pheasant hunting days were discussed. Chris Blane said eight days were enough. Questioned about proposed pheasant hunting days between Christmas and New Years Day, Chris Blane said federal regulations allow waterfowl hunting on those days, so there will already be some hunting on the island at that time. The DEM reports fewer pheasants shot.

Ms. Gaffett moved to adopt the following pheasant hunting dates: November 21 and 28; December 5, 12, 19 and 26; January 2 and 16, 2013. Motion was seconded by Mr. Martin.

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

Ms. Gaffett moved, seconded by Mr. Torrey, to request that the DEM's 2012-2013 hunting abstracts continue to include (1) the information that landowner permission countersigned by the Chief of Police is required for all deer hunting on Block Island and (2) notation of the Town's ordinance requiring landowner permission for all hunting.

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

A discussion of pop-up blinds ensued. Mr. Blane said archers usually shoot from tree stands to the ground; hunters in tree stands are visible to others from 150 feet away. He said hunting from ground level camouflage pop-up blinds is not safe during shotgun season because hunters cannot tell whether someone is in the blind until you walk up to it. He asked that pop-up blinds be prohibited on Block Island. Discussion of blaze orange. Ms. Gaffett suggested the Deer Task Force come forward with a recommendation regarding the use of pop-up blinds. Corporal Dematteo pointed out the blinds may be used for duck hunting.

Dr. Baute moved to notify the DEM that the Town Council believes that camouflaged ground-level pop-up blinds are unsafe for deer hunting and requests that the abstract reflects that they are prohibited on Block Island. Seconded by Mr. Martin.

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

Corporal Dematteo asked the Council for assistance in getting greater clarification in the abstracts to explain how Block Island's special deer tag regulations (allowing a hunter to have multiple tags) work with the state permit system and rules regarding methods, timing and number and type of deer allowed to be taken.

**4. Act on proposal for deer hunting on Black Rock/Rodman's Hollow parcel (plat 12 lot 13) for the period of January 22 through February 15, 2013 EXCLUDING weekends and legal holidays**

Ms. Gaffett circulated a memorandum suggesting parameters for a managed shotgun deer hunt on a portion of the Black Rock/Rodman's Hollow parcel (Plat 12 Lot 13). The land is owned by the state and managed jointly by the town and state. Her plan is based on one approved by the Town Council in May 2011. Deer hunting would be allowed from January 22 through February 15, 2013, excluding weekends and legal holidays, by permit lottery managed by the Rhode Island Department of Environmental Management (DEM), with DEM Environmental Police Officers on site. Six hunters per day would be allowed on the parcel, based on DEM safety guidelines for the size of the parcel. Under the management agreement, hunting will be approved year to year by consensus between the town and state. The DEM will provide signage and hunter orientation.

Mr. Martin moved approval of the plan, seconded by Dr. Baute. Discussion ensued.

Mary Sue Record said the Deer Task Force supports the proposed Black Rock/Rodman's Hollow hunt; they appreciate the DEM's concession to exclude weekends from the hunt.

Discussion of enforcement: Ms. Gaffett said the DEM has not been able to make a commitment to the presence of EPO's throughout the 19 day hunt. It would require a lot of unbudgeted overtime hours and room and board. The DEM wants to go forward with the hunt and will try to meet any request but cannot guarantee the funds are available. Ms. Gaffett suggests meeting them halfway and ask that EPO's be present 40 percent of the time. Chris Blane suggested insisting on at least one EPO during the hunt the first year, and have the Town provide housing at the Coast Guard Station. Ms. Gaffett said it is the DEM's policy to pay their officers for the entire time they are away: two days would be 48 hours. Ms. Record said the DTF has not discussed an option of less than complete coverage but she personally would be comfortable with 40% coverage. Chris Blane said hunting on state land is completely different than private land, where hunters have a relationship with the homeowner who knows exactly who is hunting and when. He does not believe a briefing in Warwick is sufficient orientation for the Rodman's Hollow/Black Rock area. Barbara MacMullan said she would like to see EPOs for the entire hunt. Chris Blane suggested reducing the hunt to the amount of time the EPO's can be on the Island for the first year. Mr. Lacoste said the first year is precedent-setting and he wants to be sure to establish a safe program that will work.

Ms. Gaffett moved to amend the motion regarding the Environmental Police Officers to require the presence of EPO's on the Island to oversee the hunt at least 50% of the hunting days, and that the Town will assist as much as possible with accommodations and transportation. The amendment was seconded by Dr. Baute.

Ayes 3: Gaffett, Baute, Torrey

Nays 2: Lacoste, Martin

The amended motion was called: To allow a shotgun deer hunt managed by the DEM on a portion of the Black Rock/Rodman's Hollow parcel (Plat 12 Lot 13) which is owned by the state and managed jointly by the town and state from January 22 through February 15, 2013, excluding weekends and legal holidays, by permit lottery managed by the Rhode Island Department of Environmental Management (DEM), and with DEM Environmental Police Officers on site at least 50% of the time and with the town providing assistance with lodging and transportation, with the understanding that the DEM will provide signage and orientation for all hunters, that six hunters per day will be allowed on the parcel in accordance with DEM safety

guidelines for the size of the parcel, and that going forward hunting will be approved year to year by consensus between the town and state.

Ayes: 3 (Gaffett, Baute, Torrey)

Nays: 2 (Lacoste, Martin)

**5. Receive and act on letter from Electric Utilities Task Group re: Distribution system upgrade, PACE legislation, BIPCo acquisition strategies.**

Councilor Martin recused because he is an employee of the Block Island Power Company (BIPCo). Barbara MacMullan, Bill Penn and Everett Shorey were present for the Electric Utility Task Group (EUTG).

Distribution System

Ms. Gaffett reviewed a memorandum from the Electric Utility Task Group (EUTG). The EUTG recommends that the Town support BIPCo's distribution upgrade in the upcoming rate case before the PUC. The system needs to be upgraded whether or not a cable or wind farm goes online. The upgrade and corresponding estimated 4% increased efficiencies will reduce fuel charges; improve reliability through the use of alternate circuits; improve voltage stability and reliability; add capacity to meet future needs and provide the option for greater control and innovative rate structures through smart meter technology. The memo also notes that upgrading the distribution system will not fix the "fast clock" problem caused by the generation engines. The memo estimated the cost at \$4.5 million, an increase of about \$10 per month for homeowners. Discussion ensued.

Ms. Gaffett moved to pursue working with the Block Island Power Company to upgrade distribution system knowing it is for the advantage of the ratepayers, regardless of where the electricity comes from.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste)

Nays: 0

Abstain: 1 (Martin)

PACE Legislation:

The "Property Assessed Clean Energy" (PACE) program uses state and local legislation in 28 states to create special assessment districts which promote the installation of residential solar generation systems funded through local assessment programs. FHFA recently ruled PACE assessments are "loans" and they will not write mortgages on PACE properties. Dr. Baute spoke in favor of a letter of support of HR 2599 (The PACE Assessment Protection Act) legislation that would delineate standards to minimize risk to lenders and consumers and bring the program back to FHFA. Discussion ensued.

Dr. Baute moved, seconded by Ms. Gaffett, to send a letter in support of HR 2599 to the FHFA and our federal and state legislators.

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

BIPCo acquisition strategies.

Councilor Martin recused. Barbara MacMullan, Bill Penn and Everett Shorey were present for a discussion of condemnation and acquisition of Block Island Power Company. Ms. MacMullan explained the EUTG was created with the objective of evaluating whether or not it made sense to have nonprofit or ratepayer ownership of BIPCO; the EUTG entered negotiations several years ago after coming to the conclusion that nonprofit ownership would lead to ratepayer savings. Condemnation was discussed early on by EUTG but the costs and uncertainties of the process made negotiations more attractive. The EUTG asked for direction from the Town Council. Dr. Baute spoke in favor of the EUTG looking at condemnation and making a recommendation to the Town Council.

Dr. Baute moved to ask EUTG to explore the process and possibility of condemnation and acquisition of BIPCo and its reasonableness and feasibility; and report back regarding what is involved and under what conditions would it make sense for the ratepayers. Motion was seconded by First Warden Gaffett.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste)

Nays: 0

Abstain: 1 (Martin)

**6. Act on letters from Dorothy Greenlee and TNS Harbormaster re: mooring transfer request**

The Greenlees were present. A brief discussion ensued. Mrs. Greenlee asked for a second transfer of a private mooring. Her late husband's mooring was transferred to her in 2001, she now asks that it be transferred to her son Bob. A memorandum in support of the request was received from Harbormaster Stephen Land.

Mr. Torrey moved to grant the request, seconded by Mr. Martin.

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

**7. Act on revised Heinz Field Management Plan**

Barbara MacMullan and Harold Hatfield were present for the Block Island Land Trust. The Land Trust reconsidered and reconfirmed their position of support for the Heinz Field maintenance agreement as revised and submitted. Dr. Baute asked that the BILT assist with the cost of organic management of the field. Ms. MacMullan said after 3 to 4 years the costs are the same. Recreation Director Closter said this is the end of the second year and there is no sign of improvement. Mr. Hatfield said poor mowing practice was worse for the field than organic fertilizer. Discussion ensued.

First Warden Gaffett moved to enter into Heinz Field Management Plan which is a joint plan between the Block Island Land Trust and the Town of New Shoreham, as it is presented. The motion was seconded by Mr. Martin.

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

**8. Receive and act on Shellfish Commission recommendations re: soft shell clam closure, seasonal closure program, and restriction on scallop harvesting**

The Shellfish Commission requested the Town Council close the soft shell clam season between April 1 and December 1; limit scallops to one bushel per person from October 30 to April 30; and adopt the annual shellfish closure as per the map attached to these minutes.

Dr. Baute moved to accept the recommendations of the Shellfish Commission regarding soft shell clams, scallops and the annual shellfish closure, seconded by Ms. Gaffett.

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

**9. Boards, Committees and Commissions:**

**• Receive Rev. D. Barker resignation letter from BI Housing Board**

Dan Barker's resignation from the Housing Board was noted; the Reverend Mr. Barker will be relocating and will be missed.

**• Act on appointments: Harbors Committee, Library Board of Trustees, and Motor Vehicle for Hire Committee**

Acting on a request of Mr. Ted Merritt, First Warden Gaffett moved to shift Mr. Merritt from a full member to an alternate position on the Harbors Committee and promote Charles Gustavson from alternate to a full member, serving out Edwin Merritt's unexpired term. Motion was seconded by Mr. Martin.

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

First Warden Gaffett moved to appoint Shirlyne Govern to the Library Board of Trustees to serve out the unexpired term of Elise Hunt, seconded by Councilor Martin.

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

First Warden Gaffett moved, seconded by Second Warden Torrey, to appoint Geoffrey Lawrence to the Commission on Motor Vehicles for Hire to serve out the unexpired term of Chris McDonough.

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

• **Announce current Board, Committee and Commission openings**

First Warden Gaffett announced vacancies or appointment opportunities on the Old Harbor Task Force, the Board of Canvassers, the Block Island Housing Board, the Tourism Council and Tree Warden.

**10. Act to adopt a position on pending House bills: H7617, H7618, H7619, H7620 re: unresolved issues and arbitration of teachers, fire fighters, police officers, municipal employee contracts**

The bills would require “last best” contracts to stay in effect when contracts expire and require binding arbitration for unresolved contractual issues between municipalities and teachers or unions.

Dr. Baute moved to send letters of opposition to the bills, seconded by First Warden Gaffett.

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

**11. Receive and act on letter from Narragansett Council Boy Scouts of America re: Special Temporary permit for portable restrooms at the Boy Scout Camp, Connecticut Ave.**

Ms. Gaffett moved to approve the Narragansett Council’s request for a special temporary permit for portable toilets at the Boy Scout Camp from April 15, 2012 – October 15, 2012; and to request that the Scouts provide the Building Official with a copy of a pump out/maintenance contract for the portable toilets. Motion was seconded by Mr. Torrey.

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

**12. Act on TNS Board of Tax Assessors letter re: Property Roll abatements**

Dr. Baute moved to accept the recommendation of the Board of Tax Assessors and grant abatements totaling \$70.22 plus interest for the year 2011 as assessed December 31, 2010.

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

**13. Correspondence: Interstate Navigation re: summer 2012 fast ferry service; BI Land Trust re: Spring House Pump House replica**

No action was needed or taken with regard to the correspondence.

**14. Minutes: February 15, 2012 open and closed session**

Dr. Baute moved the approval with changes, seconded by Mr. Martin.

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

**15. Review Town Council meeting schedule and announce FY13 budget meetings schedule**

The Town Council discussed their upcoming meeting dates.

At 10:55, a motion to adjourn was made by Mr. Lacoste and seconded by Mr. Martin.

Minutes approved August 6, 2012

Fiona Fitzpatrick  
Town Clerk