

**New Shoreham Town Council Meeting**  
**Town Hall, Old Town Road**  
**Tuesday, December 18, 2012**  
**6:00 p.m.**

**Present:** First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Council members Sean J. McGarry, Christopher G. Warfel and F. Norris Pike. Also present were Town Manager Nancy Dodge and for the recording of minutes, Deputy Town Clerk Millicent McGinnes.

First Warden Gaffett called the meeting to order at 6:00 p.m.

### **Warden's Report**

First Warden Gaffett reported the following:

- Heating assistance is available through South County Community Action. Informational pamphlets are available at Town Hall.
- There is an Open Government summit to be held on January 8, 2013 at the Community College of Rhode Island in Lincoln.

### **Public Input**

From the audience the following people spoke expressing the noted:

- Margie Comings stated that she was opposed to the Interstate Navigation rate filing, as it eliminates the commuter fare and reduces the car fare, which will bring more cars to the overloaded island. She asked that the Council intervene and work with Interstate to find an equitable resolution. First Warden Gaffett explained that the Town will be intervening; Energy Consultant Richard LaCapra will be working on the Town's behalf; and the issue will be addressed at the January 7<sup>th</sup> Council meeting. The PUC will be holding a meeting on December 27, 2012 to schedule hearings regarding the filing.
- Linda Spak reiterated the feelings of Margie Comings, noting that the freight rates are also going up, which will impact everyone.
- Bryan Wilson stated that the restoration of the road system following the damage of Hurricane Sandy was extraordinary, both with the speed and quality of the work.
- Peter Wood questioned if guardrails will be added to berm along the Corn Neck Road restoration area. It was noted that it would be berm only.
- Jay Penny questioned how to get on the Council agenda to address a Wastewater Management issue. He was instructed to check with the Town Manager's or Town Clerk's Office.

### **1. Discuss and act on Town of New Shoreham public comments re: Deepwater Wind applications pending at the ACOE (due by 12/31/12); CRMC (due by 1/15/13); and DEM (due by 2/1/13)**

First Warden Gaffett explained that Deepwater Wind has applications in to the Army Corps of Engineers, the Coastal Resources Management Council and the RI Department of Environmental Management for the Block Island wind farm. She noted that it is the goal of the Council to develop comments to forward to the agencies regarding the application. She further noted that letters have been received from Deb Lukeris, Scott Shimomura, Rosemarie Ives, Jonathan Ives, Greg Ives, Tom and Arlene Engle, Mike Hickey, David Lewis and Edith Blane in opposition to the wind farm. Two letters were received in support of the wind farm: one from Elspeth Crawford prior to the meeting and one from William Penn at the meeting. Mr. McGarry stated he had received a letter from the Paynes of 996 Corn Neck Road also in opposition. He further stated that points in the letters should be part of the discussion.

Ms. Gaffett stated that the Council has received analysis from the Electric Utility Task Group (EUTG) titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System, LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012 regarding economic and environmental impacts of the project. She read the report allowed.

Mr. McGarry expressed the following concerns:

- The makeup of the EUTG does not represent a cross-section of Block Island.
- The EUTG has supported the project from the beginning.
- The report did not look at any negatives associated with the project.

- The report's environmental assessment did not include fuel burned for backup power generation.
- The island-wide surveys conducted regarding the wind farm project have been subjective.

Mr. Warfel also expressed concern, stating that alternatives to the wind farm have not been backed legislatively or financially by the Town and that there is an inherent mismatch between peak production times for the wind turbines and peak consumer usage times. He also stated that the EUTG document should include risk analysis.

EUTG Chair Barbara MacMullen was present and stated that the EUTG's support of the project was based on the economics of the project and the environmental benefits. She further stated that the report's environmental analysis did include backup power generation. She also noted that the Block Island Land Trust included questions regarding the Deepwater project on their survey which is conducted by a professional outside firm, and the results were 63% in favor to 37% opposed. Mr. Warfel stated that he thought the survey was not professional.

Mr. Pike stated that he was a firm supporter of the project. Ms. Gaffett concurred. Mr. Pike also noted that the Planning Board responded favorably to the project.

Heated discussion ensued.

From the audience the following people spoke in support of the Deepwater project: Rob Gilpin, Peter Wood, Peter Baute, Judy Gray, John Spier, Maggie Komosinski, Barry Saxe and Jan Emsbo.

Mr. McGarry moved to not include, in its present form, the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012, with the submittals to the Army Corps of Engineers re: the Deepwater Wind application. Mr. Warfel seconded.

Mr. Pike moved to call for the vote. Mr. Warfel seconded the motion and it carried.  
5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry)                      0 Nays

The motion on the floor:

To not include, in its present form, the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012, with the submittals to the Army Corps of Engineers re: the Deepwater Wind application, did not carry.

2 Ayes (Warfel, McGarry)                      3 Nays (Gaffett, Lacoste, Pike)

Mike Hickey's letter dated 12/17/12 was read into the record which was regarding the potential reduction of property values due to view-shed, which may displace the tax burden to other property owners. It was noted that three studies (Hinman, Berkley National Laboratory #1 and Berkley National Laboratory #2) had been submitted that offer no evidence that property values are affected by such. Discussion ensued.

Mr. McGarry addressed additional concerns regarding the effects of the Deepwater project:

- Property values may decrease.
- Tourism may decrease.
- Flicker may be a health issue.
- The farm may be enlarged at a future date to expand around the island.

Second Warden Lacoste spoke at length, giving a historical view of island-wide changes. He completed his historical tour with the wind farm, giving the project a historical perspective.

Mr. Pike made a motion to include the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012 with the submittals to the Army Corps of Engineers re: the Deepwater Wind application. Mr. Lacoste seconded and the motion carried.

3 Ayes (Gaffett, Lacoste, Pike)

2 Nays (Warfel, McGarry)

Mr. Warfel suggested a minority opinion be submitted along with the submittals. Mr. McGarry concurred.

Following discussion, Ms. Gaffett moved to add the following to the submittals to the Army Corps of Engineers re: the Deepwater Wind application:

- A request that the Army Corps schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the Army Corps require substantive, on-going biological assessments during and post construction.
- A request that the Army Corps access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.

The motion was seconded by Mr. Pike.

Mr. Warfel expressed his concern that the financial costs of maintenance and replacement of the proposed cable from the island to the mainland does not fall on Block Island.

Mr. Warfel moved amend the motion on the floor to add the following:

- Request that the Army Corps examine the long-term impact of replacement costs of the cable in the future, to ensure Block Island is not economically disadvantaged.

The motion was seconded by Ms. Gaffett and carried.

5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry) 0 Nays

The Council took a five minute recess at 9:02 p.m.

The amended motion on the floor carried as follows:

To add the following to the submittals to the Army Corps of Engineers re: the Deepwater Wind application:

- A request that the Army Corps schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the Army Corps require substantive, on-going biological assessments during and post construction.
- A request that the Army Corps access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.
- Request that the Army Corps examine the long-term impact of replacement costs of the cable in the future, to ensure Block Island is not economically disadvantaged.

4 Ayes (Gaffett, Lacoste, Pike, Warfel) 1 Nays (McGarry)

Discussion ensued regarding the comment submittals to the Coastal Resource Management Council. Mr. McGarry objected to the addressing the CRMC comments and stated they should be addressed at an additional meeting. Ms. Gaffett noted that the agenda called for addressing the comments to the Army Corps, the CRMC and RI DEM.

Ms. Gaffett moved to include the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Coastal Resources Management Council Request for Public Water" dated 12/18/2012 with the submittals to Rhode Island Coastal Resources Management Council re: the Deepwater Wind application and to also include the following:

- A request that the CRMC schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the CRMC require substantive, on-going biological assessments during and post construction.
- A request that the CRMC access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.
- Request that the CRMC examine the long-term impact of replacement costs of the cable in the future to ensure Block Island is not economically disadvantaged.

4 Ayes (Gaffett, Lacoste, Pike, Warfel) 1 Nays (McGarry)

Mr. McGarry asked that all of his objections regarding the Army Corps application be reiterated in the minutes with regard to the CRMC application. Those objections are following:

- The makeup of the EUTG does not represent a cross-section of Block Island.
- The EUTG has supported the project from the beginning.
- The report did not look at any negatives associated with the project.
- The report's environmental assessment did not include fuel burned for backup power generation.
- The island-wide surveys conducted regarding the wind farm project have been subjective.
- Property values may decrease.
- Tourism may decrease.
- Flicker may be a health issue.
- The farm may be enlarged at a future date to expand around the island.

Ms. Gaffett stated that the DEM was only looking for comment with regards to laws that may be violated, as it relates to project dredging and water quality. She note that there was no comment necessary.

## **2. Act on annual TNS commercial shellfish licenses**

Mr. Warfel recused himself, as he is in the shellfishing business.

Mr. Lacoste moved to renew New Shoreham Commercial Shellfish Licenses for Joseph Fallon, Jon Grant, Eric Gustafson, Frederick Howarth, Christopher Littlefield, Doug Michel, Michael Swanson and John Swienton, and to renew the non-resident license for James Nelson for 2013, pursuant to the recommendation from the Shellfish Commission and pending receipt of licensing fees, all applicable documents per state law and town ordinances, and a copy of the licensee's 2013 Rhode Island multipurpose shellfish license. Mr. Pike seconded and the motion carried.

4 Ayes (Gaffett, Lacoste, Pike, McGarry) 0 Nays 1 Recused (Warfel)

## **3. Act on Minutes: December 3, 2012 (4p.m.); December 3, 2012 – open and closed; December 5, 2012; December 10, 2012**

Town Manager Dodge asked that the December 3, 2012 (4:00 p.m.) minutes be held over to allow her to review their content with the Finance Director.

Ms. Gaffett moved to approve the minutes of December 3, 2012 (7:00 p.m.) – open and closed, December 5, 2012 and December 10, 2012. Mr. Pike seconded the motion and it carried.

5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry) 0 Nays

With no further business to discuss, Mr. Lacoste made a motion to adjourn at 9:25 p.m. The motion was seconded by Mr. Pike and carried.

Millicent McGinnes, CMC  
Deputy Town Clerk

Submitted: December 26, 2012  
Approved: January 7, 2013