

**New Shoreham Town Council Work Session Meeting
Town Hall, Old Town Road
Wednesday, May 29, 2013
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, Town Solicitor Katherine Merolla, Finance Director Amy Land, Police Chief Vincent Carlone and for the recording of minutes, Deputy Town Clerk Millicent McGinnes.

First Warden Gaffett called the meeting to order at 6:03 p.m.

**1. Meet with Chief Carlone to Receive Reports re:
July 4th and Summer Preparations**

Mr. Pike moved to go into closed session pursuant to RIGL 42-46-5(3) for discussion regarding matters of security. Mr. Lacoste seconded the motion and it carried.

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

Police Chief Carlone discussed the police plan for the July 4th. Discussion ensued.

Update on Police Response to Drug and Alcohol Issues

Discussion ensued regarding drug use on Block Island.

First Warden Gaffett moved come out of closed session at 6:30 p.m. Mr. Lacoste seconded and the motion carried.

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

It was noted that no motions were made in closed session.

Mr. Lacoste moved to amend the agenda to move agenda item "2. Receive and Act on Town Manager Reports: Public Works – Update on Ball-O'Brien Park Project and Discussion with the Lion's Club" up to address as the next item. Ms. Gaffett seconded the motion and it carried.

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

**2. Receive and Act on Town Manager Reports:
Public Works**

Update on Ball-O'Brien Park Project and Discussion with the Lion's Club

Ms. Gaffett noted that a letter was received from the Lion's Club dated 5/13/13, asking that Ball O'Brien Park be agendaed for discussion. Town Manager Dodge reported on the park project, noting that bids for the picnic structure and the bathroom structure have been received. The picnic structure bid was in range, but the bid for the bathrooms was not. She had decided to not take any action on the picnic shelter bid at this time; rebid the bathroom project and move forward on them together.

Lion's Club member Ed McGovern stated that the Lion's Club has been holding funds for the picnic shelter project and have committed volunteers for construction. He explained that they urgently want to move forward on the project. Following discussion, Mr. McGarry requested that the item be placed on the next Town Council agenda for action.

**1. Meet with Chief Carlone to Receive Reports re:
Update on Police Response to Drug and Alcohol Issues (continued from earlier in the meeting)**

Mr. Lacoste moved to return to closed session pursuant to RIGL 42-46-5(3) for discussion regarding matters of security. Ms. Gaffett seconded the motion and it carried.

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

Discussion continued regarding drug and alcohol use on Block Island and police response to such.

Mr. Lacoste moved come out of closed session at 7:15 p.m. Ms. Gaffett seconded and the motion carried.

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

It was noted that no motions were made in closed session.

April Monthly Report and Review of “Acknowledged Alarm” Protocols

The New Shoreham Police Report for April 2013 was accepted. It was noted that a new reporting system for the alarm system should be operational by next month.

2. Receive and Act on Town Manager Reports:

Finance

Act on Recommendation re: Allocation of 2013 Health Insurance Savings Distribution

Town Manager Dodge explained that the Interlocal Trust was issuing a distribution that could be held in a fund by the trust and put towards reductions in costs in future years. She suggested holding the money for future insurance increases.

First Warden Gaffett moved to authorize that the Earned Equity Fixed & Variable Dividend be held in trust. Mr. Pike seconded and the motion carried.

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

Update on Expenditure of WCRPC Renewable Energy Monies

It was noted that \$987 has been spent on high efficiency bulbs for the Clerk’s Office and wall packs at the school.

Monthly Financial Report: April and Report on Insurance Proceeds re: Sandy

Finance Director Amy Land noted that the tax sale scheduled for this year was cancelled. She reviewed the financials for April, department by department.

Ms. Dodge reported the following regarding the Hurricane Sandy repairs and proceeds:

- All expenditures are expected to be covered.
- A total of \$460,000 has been received from flood insurance and Interlocal Trust insurance.
- FEMA payments have not yet been received. She is looking into it.
- Beach House: Septic pumping is continuing; plumbing and electric work is complete; construction/rehab work will begin on June 4th.

Administration

Report on EMA Homeland Security Request re: Camera for Ocean Surveillance

Town Manager Dodge noted that the EMA is interested in positioning a camera downtown across from the Harbormasters shack in Old Harbor to monitor the channel. The EMA will contact BIPCo regarding mounting a camera on one of the utility poles.

Review Recommendation re: Senior Coordinator Employee Structure

Town Manager Dodge stated that she will develop a structure for the management of the Senior Coordinator employee and make a recommendation to the Town Council at a later date.

Review/Develop Policy for TNS Service/Consultant Contracts

Discussion ensued regarding components of a policy for service and consultant contracts. Mr. Warfel suggested including the following components, with Mr. McGarry concurring:

- Going out to bid for anything over \$5,000
- Termination clause
- No multi-year contracts without performance evaluation
- Review and performance evaluation, including evaluation of performance and service within budget constraints
- Not renewable without re-bid

Other suggestions included:

- Extension mechanism based upon review
- Two year contracts, expiring off-election years

Town Solicitor Merolla will draft an outline of a contract policy.

Public Works

Follow up Discussions on Transfer Station Operation: To include (but not limited to) winter/summer hours, new initiatives, space allocation at the Transfer Station site

Mr. McGarry recused himself, as he is a joint owner of Block Island Recycling Management, Inc. (BIRM).

Michael McGinnes was present representing BIRM. He distributed a tracking sheet showing the number of daily customers from the period of March 9, 2013 through May 28, 2013. He recommended sticking with the current schedule - open Wednesdays, Saturdays and Sundays from 7:00 to 1:30, noting that it is adequate and meets the needs. Mr. Pike suggested being open later in the day.

Discussion ensued regarding composting initiatives. Mr. McGinnes stated that BIRM was willing to participate in a composting program and asked the Town to give them direction and consider an investment in such. Mr. Warfel suggested the grant writer be contacted to look for compatible sustainability planning grants. It was noted that a cultch area was designated at the Transfer Station.

Mr. McGarry returned to the table.

Review Councilman Warfel's Photo Documentation of Fire Barn Structure

Mr. Warfel stated that he briefly assessed the Fire Barn structure, though he was unable to find any files regarding the structural specifications. He noted that he believed that the garage doors may need to be upgraded. The Fire Department will need to provide and maintenance/upgrade plan.

**3. Review and Discuss Charges of Town Council Appointed Boards & Committees:
Recreation Board
Senior Advisory Board**

Ms. Gaffett suggested that the Town Council begin the process of reviewing board and committee charges over the upcoming year to ensure the charges are still appropriate. Discussion ensued regarding the Recreation Board and the Senior Advisory Board charges. It was noted that the Recreation Board charge includes senior events. It was suggested the Recreation Board be directed to create more adult programming and be asked to review their charge – agendaed for the next meeting.

TNS Infrastructure Committee

It was noted that one person submitted a letter of interest to be included on the newly created Infrastructure Committee. Mr. Warfel volunteered to draft a charge for the committee, with membership including those knowledgeable with engineering, mechanicals systems, construction and IT.

The Council took a three minute break at 9:15 p.m.

4. Review and Act on Guidance to Town Solicitor re: Proposed changes to the Hawkers & Peddlers Ordinance

Discussion ensued regarding potential changes to the Hawkers and Peddlers ordinance and the following items were suggested:

- Provisions for a waiting list
- Simplifying the description of where activities can take place
- A list of allowable locations
- Provisions for a lease of Town property (if using)
- Provisions for a renewal process
- Requirement for insurance
- Definition of cart
- Power to revoke license
- Requirement for stationary cart, serving only in one location

- Allowable hours of 10:00 a.m. to 5:00 p.m.
- Specific number of licenses

Town Solicitor Merolla will draw up a draft amendment.

**5. Review and Consider Town Council Protocols/Guidelines/Ethics Laws re:
TC Member Public Comments as Individuals**

Ms. Gaffett stated that when Council members are speaking as individuals they should identify themselves as such. Mr. McGarry explained that, as he held the title of Council Member he had the right to address himself as such. Discussion ensued.

TC Reports to Town-Associated Entities

Ms. Gaffett stated that when making reports to other entities, unless you are speaking on behalf of the Town Council that you represent that you are speaking as an individual. Mr. Warfel stated that he maintains his right to dissent and present his dissenting opinion. Heated discussion ensued.

Requests for Information from Boards/Committees, Employees/Consultants

Ms. Gaffett stated that requests for information of a board or commission should come from Town Council action only. Mr. McGarry and Mr. Warfel disagreed. Ms. Gaffett noted that the Town Council's employee was the Town Manager and the Council can direct the Manager, but has no authority to direct any other employees of the Town. Heated discussion ensued. Solicitor Merolla read the sections of the Town Charter pertaining to the Town Council's relationship to employees and directives to boards and committees, concurring with Ms. Gaffett's interpretation.

TC & Ethics Laws/Regulations re: Appearing before Town Council and TC-Appointed Boards & Committees

This item was not discussed.

Review Town Council Rules of Procedure

Discussion ensued regarding changing rule # 10 of the Town Council Rules of Procedure regarding the deadline that Town Council packets are to be available for pickup. Two days prior to the meeting was suggested. This item will be addressed at the next Council meeting.

6. Review Councilman Warfel's April 23 letter re: Sewer Commission & Staff

Mr. Warfel moved to postpone the item until the next work session. Mr. McGarry seconded the motion and it carried.

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

7. Establish a Process/Timeline for Town Manager Contract Review & Status

Mr. McGarry explained that he wanted to begin the evaluation process of the Town Manager and create a contract for her. The Council will select an evaluation tool at the next Council meeting.

8. Report of the Town Solicitor

1. Receive and Act on Status Update re: Renewable Energy Grants and PUC Designation

Mr. Warfel recused himself.

Solicitor Merolla reported that she is having discussions with the PUC and EDC regarding a determination as to whether New Shoreham is eligible for grant monies through the National Grid renewable energy grant program. She noted that a petition for determination may need to be filed, though she is pursuing a more straight-forward finalization.

Chris returned to the table.

2. Receive Update on Status of "Transfer Station" Litigation i.e. Waste Haulers BI, LLC vs. Block Island Recycling Management, Inc. et al (WC 11-729)

Mr. Warfel moved to go into closed session at 10:39 p.m. pursuant to RIGL 42-46-5(a)(2) for the discussion of litigation. Mr. Pike seconded the motion and it carried.

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

Mr. McGarry recused himself, as he is joint owner of Block Island Recycling Management, Inc.

**3. Receive Update on Interstate Navigation May 20, 2013 letter re: TNS
Indemnification of Interstate Navigation Relative to Paul Filippi v. Interstate
Navigation Company – C.A. No. PC 13-2279**

Mr. McGarry returned to the table.

Mr. Pike moved to return to open session at 10:58 p.m. Mr. Lacoste seconded the motion and it carried.

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

It was noted that no motions were made in closed session.

Mr. McGarry moved to seal the minutes of the closed session. Mr. Warfel seconded.

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

With no further business to discuss, Mr. Pike made a motion to adjourn at 10:59 p.m. The motion was seconded by Mr. McGarry and carried.

Millicent McGinnes, MMC
Deputy Town Clerk

Approved: June 19, 2013