

New Shoreham Town Council Agenda
Town Hall, Old Town Road, Block Island
Wednesday, June 19, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike and Town Councilor Christopher Warfel. Also present were Town Manager Nancy O. Dodge, Town Solicitor Katherine Merolla and Finance Director Amy Land. 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.

1. Public Hearing: Proposed amendment to New Shoreham General Ordinances Chapter 17 Taxation and Finance, Article II Exemptions from Taxes, Division 3 – Veterans

First Warden Kimberley Gaffett opened the public hearing at 7:05.

Finance Director Amy Land was present and explained an amendment is necessary in a revaluation year to change the mathematics in order to keep the dollar amount of the tax credit the same.

No comment from the public was received.

At 7:08, Mr. Lacoste moved to close the public hearing and adopt the amendment as advertised, seconded by Mr. Pike.

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

2. Board of License Commissioners:

- Act on BI Volunteer Fire & Rescue Dept. request re: Class F1 license for July 4 Steak Fry

Mr. Lacoste moved to grant a Class F1 license to the BI Volunteer Fire and Rescue Department pursuant to the terms requested in their letter of June 11, 2013, seconded by Mr. McGarry.

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

- Discuss and act on setting date for Show Cause hearing as to why the renewal re: BVL Liquor License for Payne's Harbor View Inn, LLC d/b/a Payne's Harbor View Inn, Beach Avenue, Plat 5, Lot 111 should not be revoked.

The license cannot be revoked because it has not been issued. The license has not been picked up. Issuance of the license is contingent on releasing Zoning violations.

First Warden Kimberley Gaffett moved to set a show cause hearing as to why the renewal of the license should not be revoked on July 1, 2013. The motion was seconded by Mr. Lacoste.

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

Ms. Payne will be reminded that she may not serve any liquor without a license.

3. Act on 2013 Game License applications

First Warden Gaffett recused because her father holds a game license.

Mr. Lacoste moved to grant game licenses from July 1, 2013 to June 30, 2013 for the following establishments, pending inspection by the New Shoreham Police Department and Zoning Certificates if necessary for Aldo's Game Room for six gaming devices, Captain Nicks for one table game, Champlin's Marina for 20 gaming devices, Club Soda for four table games, McGovern's Yellow Kitten's for one table game and one gaming device, the Neptune House for one table game, the Old Island Pub for one table game and one gaming device and Champlin's Trader Vic's for two gaming devices. Motion seconded by Mr. Pike.

Discussion: A memorandum was received from the Building Official recommending approval of Champlin's Trader Vic's new license application. Council members asked for an opinion from the Town's attorney regarding the ramifications of granting a new license in the RA zone.

Mr. Lacoste moved to amended his motion to subtract Champlin's Trader Vic's, seconded by Mr. Pike.

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

Amended motion: to grant game licenses from July 1, 2013 to June 30, 2013 for the following establishments, pending inspection by the New Shoreham Police Department and Zoning Certificates if necessary for Aldo's Game Room for 6 gaming devices, Captain Nicks for 1 table game, Champlin's Marina for 20 gaming devices, Club Soda for 4 table games, McGovern's Yellow Kitten's for 1 table game and 1 gaming device, the Neptune House for one table game, the Old Island Pub for one table game and one gaming device.

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

Mr. Lacoste moved to continue consideration of Trader Vic's game license contingent upon receipt of communication from Attorney Packer to address the question of setting precedent in RA Zone, seconded by Mr. Pike.

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

4. Receive and act on recommendations of the Finance Director re:

Authorization to submit Quarterly Municipal Deficits Report (March)

Finance Director Land presented the report, attached to these minutes.

Ms. Gaffett moved to authorize the submittal of the quarterly municipal deficits report, seconded by Mr. Lacoste.

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

Mr. McGarry explained he could not vote in favor because he did not receive the information in advance of the meeting.

Authorization of over expenditures of certain appropriations, not exceeding adopted FY13 budget

Finance Director Land presented the request for overexpenditures of certain budget lines. She explained the reasons and identified offsets. Her memorandum is attached to these minutes.

Mr. Lacoste moved to authorize the over expenditures in the Recreation budget line of \$9,300; in the Library budget line of \$6,000; and in Community Support of \$6,500, noting the bottom line does not change. The motion was seconded by Mr. Warfel.

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

Mr. McGarry explained he could not vote in favor because he did not receive the information in advance of the meeting.

Designation of FY13 funds for use in FY14

Finance Director Amy Land presented a request to assign fiscal year 13 funds to hold over for use in fiscal year 14:

- \$35,000 for Fire & Rescue/Rescue 1. This was planned as multi-year funding for ambulance replacement/rebuilding and funding continues in FY2014.
- \$20,000 for the School Facade. This was planned as multi-year funding which continues in FY2014.
- any unexpended moneys, currently \$15,895, for technology equipment items planned for replacement during FY2013 and anticipated for completion in the first quarter FY2014. The Town is awaiting final vendor proposals and quotes for the website migration/training project and for essential equipment replacement, including the GIS workstation, the Police security system application server and flat panel displays.

Ms. Gaffett moved to assign fiscal year 13 funds to hold over for use in fiscal year 14: \$35,000 for an ambulance, \$20,000 for the school façade and \$15,895 for technology, seconded by Mr. Lacoste.

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

Mr. McGarry explained he could not vote in favor because he did not receive the information in advance of the meeting.

The Town Manager explained there is also a request from the Medical Center to assign \$5,000 to hold toward their capital item air conditioning, which is more expensive than anticipated. \$5,000 was held over from last year for a total of \$10,000 toward the project for next year.

Ms. Gaffett moved to assign \$5,000 for the Medical Center capital item air conditioning for use in FY 2014. Motion seconded by Mr. Pike.

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

Adoption of annual TNS borrowing and investment policy

First Warden Gaffett moved to authorize the Finance Director to invest funds within the structure of Bank of America and/or the Washington Trust Company during the fiscal year ending June 30, 2014. This action in no way precludes the researching of other/better investment opportunities, the recommendation of the same to Council, and the Council approving the same. The motion was seconded by Councilor McGarry.

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

5. Receive and act on Deer Task Force recommendation re: letter requesting assistance from the RI DEM to manage the deer herd

Present for the Deer Task Force were Chair Ruth Perfido and Vice Chair Becky Ballard, who explained the DTF will work with the RI Department of Environmental Management to put a deer reduction plan in place. The plan will include public meetings for those in the community. Ms. Perfido said the goal is 10 deer per square mile instead of the current 70 to 90 deer per square mile. The reduction may provide improvements in the Island's flora and fauna and also decrease deer ticks and the incidence of tick-borne illness. The DTF requested approval to send a letter to the RIDEM asking for assistance in managing the deer herd.

Mr. McGarry moved, seconded by Mr. Pike, to adopt the letter and ask assistance from the DEM in reduction of the deer herd.

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

Ms. Perfido said the DTF will work with DEM to schedule meetings with residents.

6. Receive and act on TNS Police Dept. monthly report: May 2013

Chief Carlone was present. Alarms are declining.

First Warden Gaffett moved to accept the monthly report of May, 2013, seconded by Second Warden Lacoste.

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

7. Receive and act on Town Solicitor report re: use of Police details at Weldon's Way

Attorney Katherine Merolla reported a requirement that businesses to pay for police detail could be implemented through an ordinance amendment. In the past the Town has modified the moped settlement agreement when additional requirements are imposed. If challenged in court, the Town would have to establish the reasonableness of the requirement by defining the problem, the goal of the requirement, and how the ordinance solves the problem. Although moped training which includes illegal U-turns was the focus of the proposal, it was pointed out that other problems persist including parking issues and jaywalking. Discussion ensued.

John Leone was present and said demonstrations have been realigned so people make a left turn onto private property of the Moped Man or at Aldo's Mopeds, turn around on the private property, then stop, signal and turn right to return. He suggested the Town post signs directing mopeds to points of interest.

Mr. Pike suggested an increased police presence paid for by the Town. The Chief will review the plan with all the moped companies. The common goal is safety.

8. Discuss and act on setting a 12:00 A.M. curfew for minors

The item was added to the agenda at Mr. McGarry's request. He said the goal is to reduce drug and alcohol abuse for children and help parents. Discussion ensued.

Mr. Pike said he did not think it is such a bad idea; nothing good happens after midnight. Mr. Lacoste asked whether there was a demonstrated problem that the curfew would address. The Chief reported NSPD has a standing policy to question children when they are out late at night. Chief Carlone said he believes a curfew would help parents. Mr. Warfel said he thought it would be a good tool for the Island. RI General Law 11-9-11 allows Police Chiefs to assign "curfew streets" for those under 16. It was pointed out that "streets" are not necessarily the areas children congregate in the summer.

Mr. Lacoste suggested tabling the item to the next meeting to receive public input and refine the proposal. He asked for clarification of goals. He asked what penalties would be involved for parents and children and whether they would be monetary or jail time. He asked for clear exceptions perhaps including children accompanied by parents or guardians, working, walking home, or directed by a parent. He asked for a definition of "unsupervised."

Ms. Gaffett moved to ask Mr. McGarry and Mr. Warfel to work with Chief Carlone to come up with a proposal to discuss at a future agenda. Motion was seconded by Mr. Pike.

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

9. Receive and act on Kay McManus appeal re: Special Event License application: outdoor wedding

The application was denied because it was received late. Ms. McManus was present to answer questions.

Mr. Warfel moved to grant the appeal for a special event license, seconded by Mr. Pike.

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

10. Receive and act on St Ann's By The Sea Episcopal Church appeal letter re: Special Event License application: fundraising event

The application was denied because it was received late. Jennifer Phillips was present for St. Ann's church.

Ms. Gaffett moved to grant the appeal so St. Ann's can hold their fundraiser, seconded by Mr. Pike.

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

11. Receive and act on Town Solicitor update on EDC / PUC actions regarding RI Renewable Energy Fund grants for Block Island-based projects

Attorney Merolla explained the disjointed responsibilities and jurisdictions of the EDC and PUC with regard to the renewable energy fund grant moneys and the decision regarding the eligibility of Block Island-based projects. Discussion ensued.

Mr. McGarry authorized the Solicitor to file a petition of declaratory judgment with the PUC to resolve issue, seconded by Mr. Pike.

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

12. Receive and act on Town Solicitor draft of proposed changes to TNS Hawkers and Peddlers ordinance

The draft ordinance was discussed. At this time the Council agreed to limit of one licenses which may be used on town property at Settler's Rock because the location did not compete with other businesses and it offers a service to visitors. Food and beverage will be the primary use of

the license. The vehicle will be approved by the Town Council upon licensing. The Town Clerk was directed to work with the attorney to develop a license application.

13. Boards, Committees, and Commissions:

- Receive and act on Sara McGinnes letter of resignation from the Deer Task Force

Ms. Gaffett moved to receive the resignation and send a letter of thanks to Ms. McGinnes for her service on the Task Force, seconded by Mr. Pike.

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

- Announce Board, Committee and Commission openings

Ms. Gaffett announced a vacancy on the Deer Task Force.

14. Approve minutes: April 17, 2013, May 29, 2013 (open and closed); June 3, 2013; June 5, 2013

Mr. Lacoste moved to approve the minutes of June 3, 2013 as amended, seconded by Mr. Warfel.

Ayes: 5 (Lacoste, McGarry, Pike, Warfel) Nays: 0 Abstain: 1 (Gaffett)

First Warden Gaffett moved to approve the minutes of April 17, 2013, May 29, 2013 (open and closed) and June 5, 2013 seconded by Second Warden Lacoste.

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

At 10:00 a motion to adjourn was made by Mr. Warfel and seconded by Mr. Pike.

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

Minutes approved July 1, 2013

Fiona Fitzpatrick
Town Clerk