

Minutes of a Town Council meeting held September 22nd, AD 2011 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen.

At 7:00 PM the Town Council President called for a Salute to the Flag.

Also in attendance: Richard S. Humphrey, Town Solicitor and Tom Dunn, Business Manager.

Councilor Mushen declared a Public Hearing open for the purpose of collecting comments on a proposal to prioritize projects for inclusion on new projects under the Transportation Improvement Program FFY 2013-2016 to be submitted to RI Dept. of Transportation for consideration.

The following state roads located within Little Compton were listed for consideration of placement on a new project listing:

- 1. Snell Road**
- 2. South of Commons Road**
- 3. Meeting House Lane**
- 4. Treaty Rock/Manchester/Almy/Veri Project (LC Agricultural Conservancy Trust project)**

Larry Anderson supports any consideration to list Snell Road. He

believes it is in dire need of repair. Jon Ibbotson asked for an area of Main Street in Adamsville to be placed on the list. An area in front of the RI Red Monument contains a catch basin that continually overflows during heavy rains causing flooding through to the pond. The Police Department can document the number of times they have called RI Dept. of Transportation to handle this problem.

The Council President will submit the prioritized list of new projects without the supporting application details due to the fact that the Town would not be responsible for the repairs to these state roadways.

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): Receiving no further comments a Public Hearing regarding a proposal to prioritize projects for inclusion on a list of new projects under the Transportation Improvement Program FFY 2013-2016 shall be closed.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To submit the following prioritized list of new state roadway projects for the Transportation Improvement Program FFY 2013-2016:

- 1. Snell Road**
- 2. South of Commons Road**

3. Meeting House Lane

4. Main Street – Adamsville

5. Treaty Rock/Manchester/Almy/Veri Project (LC Agricultural Conservancy Trust project)

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the September 8, 2011 Town Council meeting minutes.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Fire Department Head Report for August 2011.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a report submitted by the Business Manager regarding an informational meeting on the Westport River Watershed held September 14, 2011.

The Planning Board received notification from RI Statewide Planning of a decision by the RI Supreme Court that could affect local ordinances. As a result of said notification the Planning Board asked for an opinion for the Town's Solicitor. Richard S. Humphrey supplied a written opinion that the Town not utilize the option for a

developer to pay a “fee-in-lieu” regarding affordable housing as per Section 2.2.4 of the Town’s Subdivision regulations. He verbally noted that the Town would need approval from the General Assembly in order to impose such fees. The Town will need to consider how it will proceed with this matter.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To accept the Town Solicitor’s opinion for consideration and to refer a copy to the Planning Board concerning a RI Supreme Court Decision relating to “fees-in-lieu” offered with housing development and subdivisions.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To appoint Alexander B. Hawes, Jr. as a member of the Harbor Commission representing the interest of the Sakonnet Point Marina Association to fill an unexpired term ending February 1, 2013.

The Planning Board has submitted a “Best and Final” conservation development proposal with two more additional amendments to the code.

Councilor Mushen suggested the Council advertise for the following:

1. Consider the conservation development proposal

- 2. Consider the enactment of a single conservation development with contingencies**
- 3. Consider the amendment of the Towns Subdivision regulations to modify related affordable housing regulations**
- 4. Consider the amendment of the dimensional regulations in Zoning in the Business Zone**
- 5. Consider amending the Towns Comprehensive Plan**

And as a result of the legal opinion recently received by this body:

- 6. potentially consider adding on an amendment relating to the “fee-in-lieu” RI Supreme Court ruling**

Discussion comments:

- 1. If the Town pursued an amendment regarding the “fee-in-lieu” would the Housing Element of the Town’s Comprehensive Plan be required to be amended and re-approved by statewide planning?**
- 2. Roger Lord asked if the Tax Assessor’s should be developing an assessment formula concerning the conservation development ordinance prior to an ordinance change, worried that he could not voice his objections appropriately should the proposal be adopted into ordinance**
- 3. Roger Greene – in order to update the Comprehensive Plan to remove language relating to “Cluster Zoning” the towns plan will require re-approval, all amendments could be done at the same time.**
- 4. Larry Anderson encourages the Public Hearing to be scheduled**

- 5. Do not consider any amendment regarding “fee-in-lieu” at this time**
- 6. Comments on pro’s or con’s of implementing this proposal should be handled at the Public Hearing**

After a lengthy discussion the following was voted:

Motion made by Councilor Mushen, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To schedule a Public Hearing(s) on October 27, 2011 beginning at 6 PM of the Planning Board and Town Council to consider the following recommendation of the Planning Board:

- 1) Proposed amendment of the zoning ordinance for the inclusion of the recommended changes to the Comprehensive Community Plan, Zoning Ordinances and Subdivision Regulations to incorporate Conservation Development as part of the Little Compton code.**
- 2) The approval of the changes shall be for one certified complete application. Any further consideration of additional applications for Conservation Development shall be made to the Town Council after approval and completion of the first application.**
- 3) Proposed amendment to 2.2.4 of the Subdivision Regulations which stipulate the Affordable Housing requirements for a Major Subdivision be advertised for approval. This amendment prevents a**

landowner from applying for successive subdivisions to avoid the requirements of 2.2.4.

4) Proposed amendments to Dimensional requirements, table 2-1 and 14-5.2d for newly created residential lots, be incorporated into the Town code.

14-4 Dimensional Regulations.

14-4.1 Dimensional, Area and Density Requirements.

The following requirements shall apply to all structures, buildings and activities hereafter located in or initiated in all zoning districts and to any extension of an existing structure, building or activity.

Dimension Residence (R) Business (B)

Minimum lot area. * 2 acres, exclusive of any streets, or rights-of-way, in all Zoning districts. None.

Minimum lot width at the building line. 175 feet and the 175 feet frontage shall extend back to a depth of at least 175 feet and continue at no less than a 100-foot width until the 2 acres requirement has been met. 40 feet.

14-5.2 Supplementary Dimensional Regulations.

The following dimensional regulations apply to all uses and lots, in addition to those regulations of Section 14-4 of this chapter.

d. Dimensional Requirements for Single Household Residence in Business District. The minimum lot area coverage and dimensional requirements for a single household detached dwelling in the Business (B) District shall be the same as those required in the Residence (R) District. With all new subdivisions the minimum lot

area shall be 2 acres for a residence in the Residence (R) District or Business (B) District.

End vote setting public hearing.

Councilor Mushen noted that the Dunderly Brook Trail Project is moving along quite well. The Nature Conservancy has asked if the Town would consider supporting a portion of the project located on town property. An extension has been requested for the Passive Park Recreational Grant presently held by the Town. Councilor Mushen believes RI Dept. of Environmental Management would look favorably on using some of the remaining funds from this grant to assist the passive trail portion over town property. If he fellow Councilors agreed then he would petition RIDEM to designate \$18,000 towards the project with \$2,000 coming from the town budgets.

Motion made by Councilor Golembeske, receiving a second from Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To commit \$2,000 of town funds towards the Dunderly Brook Trail Project.

Old Business #3 – Bluff Head Turn-Around – has been withdrawn from the agenda by its author.

Motion made by Councilor Bodington, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on the November 10,

2011 Town Council meeting agenda discussion and consideration of the selection of options as it relates to the RI Energy Aggregation Program and the RI League of City and Towns.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize Councilors Bodington and Mushen to review the Town's Transfer Station Operating Plan to determine if any significant changes are necessary which would need Council vote to finalize, should the plan not require amendments the Council President is authorized to execute the Transfer Station Renewal application and submit the required \$3,000 renewal fee.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To advertise to receive bids for fall roadside mowing along Town roads.

Councilor Mushen reviewed his intent to attend the Budget Committee's Kick-off session for the 2012-2013 budget year on September 29, 2011. He will caution the Budget Committee on several changes in the budget for the next fiscal year such as a need to reduce the Drug Forfeiture Funds while potentially increase the Police Department. No votes were taken on this subject, informational only.

Councilor Mushen noted that it was his intent to push out into FY16 the Landfill Closure capital project allowing more urgent needs to take place. No votes were taken on this subject, informational only.

Motion made by Councilor Mushen, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To ratify the appointment of Joseph Fraioli as the Town's representative on the Renewable Energy Siting Partnership Municipal working group.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Town Council President to execute a renewal contract with William L Moore as Building Official and Public Works Director for the Town of Little Compton effective July 1, 2011.

The Town Clerk supplied information to the Council that she found out on September 16, 2011 that a new requirement to file documentation and tune-up information had a deadline of September 17, 2011 regarding the Town's boilers. As per a new US Environmental Protection Agency rule the Town's boilers are considered Area Source Boilers. The Initial Notification Forms have been filed before the deadline expired with supporting documentation to be filed on or before the next deadline of March 21, 2012. No votes

were taken, informational only.

At 8:15 PM the Town Council sitting as the Board of License Commissioners voted the following:

Motion made by Councilor Mataronas, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen) Councilor Golembeske abstained from voting: To grant a Class F-1 One Day Beverage License to the LC Game Club for a Clambake to be held on September 25, 2011 at the John Dyer Road facility.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To direct the Maintenance Foreman to designate an individual from his department to attend a Lockout/Tagout Workshop offered by RI Interlocal Risk Management Trust on October 26, 2011.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To grant a Victualing License to Gerald Dupont to bake and sell baked goods at the A-1 Pizza facility at 20 Commons, contingent upon meeting all state and local requirements.

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a copy of a resolution adopted by the Burrillville Town Council requesting funding mechanisms be implemented to allow RI Public Transit Authority to provide statewide service not solely dependent upon revenue from the motor fuel tax.

Motion made by Councilor Bodington, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a letter written by the Town Administrator of the Town of Richmond opposing a proposal to implement a toll on Interstate 95 between the towns of Richmond and Hopkinton.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Town Council President and Police Chief to review a potential need for roadway signage on Westport Harbor Road due to concerns raised by Don Williams and to authorize that they contact Mr. Williams with their findings.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize Councilor Mataronas

to review the Board of Assessor's abatement list* request with the Board with the authority to grant the request if they seem in proper order. Should the abatement list be declared appropriate for approval Councilor Mataronas shall inform the Town Clerk of his findings.

*Town Clerk's notation: Councilor Mataronas declared the abatement list in proper order for approval as follows:

Based on Councilor Mataronas findings and authority it is hereby declared that the recommendation of the Board of Tax Assessors for the cancellation of the following taxes be granted under Section 44-7-14 of the General Laws of Rhode Island, as amended:

Acct/Name Plat/Lot/MV Abatement Value Abatement Year

19-0312-40 022/0013 \$131,000.00 \$698.76 2011

Seven Hundred Fifty East Inc.

04-0633-50 001/0170 \$54,300.00 \$289.42 2011

Dias, Paul A

04-1030-00 047/0001-3 \$243,500.00 \$1,297.86 2011

Dunn, Ward W Jr. et als

19-0476-00 046/00461 \$120,000.00 \$639.60 2011

Shupp, Denise Lyons

06-0456-00 026/0006-13 \$102,200.00 \$544.73 2011

Fisher, Richard C & Martha C

18-1120-00 031/0055-2 \$159,700.00 \$851.20 2011

Ryan, Joan C et als 031/0055-4 6,200.00 \$33.05 2011

19-0141-06 personal property \$1,100.00 \$11.73 2011

Sara Lee Coffee & Tea

07-0653-55 personal property \$1,100.00 \$11.73 2011

Gosselin, Nicolas L

19-1852-10 M/V \$4,292.38 \$59.66 2011

Sylvia, Brenda G

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a copy of a resolution adopted by the Newport City Council requesting the General Assembly to repeal a tax on local tours.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the consent calendar as follows:

1. Copy of a Public Notice for RI Statewide Planning Program

Transportation Improvement Program FY 2013-2016 state public hearing to be held Oct. 3, 2011

2. Letter filed by the Police Chief informing the Council of the designation of an Acting Chief during his absence from town recently.

3. Letter filed by the Fire Chief informing the Council of the designation of an Acting Chief during his absence from town.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid: \$68,655.81

Messenger Security Systems Inc. - Town Hall \$105.00

WB Mason - Clerk - Building Official \$205.12

Allied Waste - Transfer Station \$8,172.00

Nationalgrid - Town Hall \$493.56

Nationalgrid - Town Dock \$69.73

Nationalgrid - Public Safety at Transfer Station \$797.16

Nationalgrid - Adamsville Street Lights \$21.55

Nationalgrid - IOOF \$53.67

Nationalgrid - 32 Commons meeting hall \$23.75

Nationalgrid - street lights \$17.47

Nationalgrid - Peckham Lot \$63.26

Paychex of NY, LLC - Treasurer \$412.43

Sakonnet Plumbing & Heating - Town Hall \$807.54

KTR Maintenance & Supply - Public Safety Complex \$1,080.00

Gary Mataronas - Town Dock reimbursement \$161.55

Poland Springs - Town Hall \$35.63

Poland Springs - Maintenance \$26.64

RIBOA - Building Official \$130.00

Fisher Bus Inc. - Senior Busing \$950.00

Safeguard of RI - Treasurer \$193.19

John Peckham - Tropical Storm Irene related (Town Hall) \$700.00

Effluent Technologies - Wastewater Treatment Facility \$2,350.00

Mello's Diesel Service - Highway \$124.55

Richard S Humphrey - Legal services \$739.50

Richard S Humphrey - Legal services \$71.55

Richard S Humphrey - Solicitor \$3,500.00

ACS - RI Historical Records Fund \$1,299.00

Petro - gasoline \$3,183.92

Leonard Duckworth - Assessors \$1,326.91

Robert H Goff Jr. - Assessors \$1,326.91

William Monahan - Assessors \$1,326.93

William Monahan - Assessors \$80.58

Staples - Fire Dept. \$105.96

Boundtree Medical - Fire Dept. \$404.34

Emergency Training Assoc. - Fire Dept. \$1,350.00

Rob's Auto Care, Inc. - Fire Dept. \$125.00

Cox Communications - Fire Dept. \$184.60

Boundtree Medical - Fire Dept. \$311.36

M-S Supply Co. - Fire Dept. \$268.95

Goulart Petroleum Inc. - Fire Dept. \$462.62

Tiverton Fire & Safety - Fire Dept. \$38.50

Enos Home Oxygen Therapy - Fire Dept. \$78.00

Shipman's Fire Equipment Co. - Fire Dept. \$263.50

Boundtree Medical - Fire Dept. \$707.48

Sakonnet Plumbing & Heating - Fire Dept. \$89.50

Electric Wholesalers Inc. - Fire Dept. \$152.44

Firematic Supply Co. Inc. - Fire Dept. \$65.83

Wilbur's General Store - Fire Dept. \$19.87

Griggs & Browne - Fire Dept. \$50.00

Vic's Car Washes - Fire Dept. \$19.00 \$4,696.95

Messenger Security Systems Inc. - Public Safety Complex \$120.00

Robert L Mushen - Town Council (mileage) \$139.29

Mr. Insulation, Inc. - Town Hall \$700.00

Cox Communications - 32 Commons Meeting Hall \$27.72

John J McNamee, CPA - Audit documents \$951.20

Thomas G Dunn III - Business Manager (mileage) \$140.40

Franlart Nurseries Inc. - Highway \$2,405.00

Franlart Nurseries Inc. - Hurricane Irene related \$5,270.00

Rhode Island Attorney General - Drug Forfeiture \$90.00

Edward Deutch Uniforms - Drug Forfeiture \$482.00

AAA Police Supply - Drug Forfeiture \$648.00

Adamson Industries Corp - Drug Forfeiture \$29.95 \$1,249.95

Sakonnet Veterinary Hospital - Police Dept. \$390.00 \$390.00

**Motorola Solutions Inc. - Capital Improvement PSC
dispatch \$22,055.00**

Madden Electric Co Inc. - Public Safety Complex \$276.20

Messenger Security Systems Inc. - Public Safety Complex \$385.00

At 8:25 PM the Town Council President polled his fellow Councilors as to their wishes to enter into executive session under RI General Laws Section 42-46-5(a)(2) – collective bargaining - Local 3957, IAFF. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen).

Carol A Wordell, Town Clerk*

***The Town Clerk was relieved of her duties upon the call for executive session, Councilor Mushen took over as Clerk Pro-Tem.**

Present for executive session: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Additional attendees: Richard S. Humphrey, Town Solicitor and Fire Chief Richard Petrin.

A review was conducted of the collective bargaining options for the upcoming negotiation sessions with Local 3957, IAFF.

At 9:12 PM the Town Council President polled his fellow Councilors as to their wishes to come out of executive session under RI General Laws Section 42-46-5(a)(2) – collective bargaining - Local 3957, IAFF. All voted in favor (Appleton, Bodington, Golembeske, Mataronas,

Mushen).

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 9:13 PM.

Robert L. Mushen, Clerk Pro-tem