

Minutes of a Town Council meeting held on January 19th, AD 2012 at 6:00 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 (arrived at 6:03 pm) and Robert L. Mushen. Also in attendance: William L. Moore, Building Official and Michael Steers, Planning Board Chairman.

A work session was called to order to review the "Draft" RI FEMA Flood Insurance Rate Maps for Little Compton depicting the proposed changes to elevations. William Moore stated that he expects to have another chance to review these maps at a future date. Some of the areas have seen a rise in the Base Flood Elevations to approximately 4 feet higher based on scientific data composed by FEMA. Preliminary Maps should be received in approximately 2 months which will have more detail than the "draft" copies. Upon receipt we will have six (6) months to adopt and accept the plans to continue in the Flood Insurance Rate Program.

At 6:30 PM the work session concluded with a brief recess to remove the maps. The Council returned into open session at 6:38 PM with a call by the Town Council President to poll his fellow Councilors as to their wishes to enter into executive session under RIGL Section 42-46-5(a)(2) litigation all voting in favor. (Appleton, Bodington, Golembeske, Mushen).

Attendees: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske and Robert L. Mushen. Also in attendance: Richard S. Humphrey, Town Solicitor.

The Town Solicitor gave an update on the status of litigation involving Case No. NC2011-0635 Rudick vs. LC Agri. Conservancy Trust et als.

At 7:01 PM the Town Council President to poll his fellow Councilors as to their wishes to come out of executive session under RIGL Section 42-46-5(a)(2) litigation all voting in favor. (Appleton, Bodington, Golembeske, Mushen). In open session the following was voted:

Motion made by Councilor Golembeske, receiving a second from Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mushen): To authorize the Town Council President and Vice President to meet with the Chairman and Vice Chairman of the LC Agricultural Conservancy Trust and the Town Solicitor to determine procedures to be following in the future relating to development rights secured by the LC Agricultural Conservancy Trust.

A brief recess was taken to allow the camera man to set up his equipment and the public to enter the Chambers.

Continuation of the minutes of a Town Council meeting held on January 19th, AD 2012. Being 7:03 o'clock PM the Town Council President called to order the regularly scheduled meeting of the Town Council with a Salute to the Flag. Council Members present: Charles N. Appleton, Jr., Fred M. Bodington, III; Paul J. Golembeske and Robert L. Mushen. Also present: Richard S. Humphrey, Town Solicitor and Tom Dunn, Business Manager.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To approve, as written the Town Council meeting minutes from January 5, 2012.

Announcements:

1. The Red Cross is offering a Shelter Manager Training Session on January 27 and 28 in Warwick. Little Compton is looking to expand our volunteer force for our local Shelter Team.

2. Nationalgrid will be introducing a Pilot Program where they will be soliciting citizens who may be interested participating. Approximately 100 Tiverton and Little Compton residents will enter into a program where a wifi thermostat for central air/heat and a smart plug will be installed to measure consumption loads, especially during peaks to review options for handling peak loads and any potential need for upgrade to the local electrical transfer equipment.

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

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

Councilor Mushen would like to consider the next item on the agenda in two separate votes to consider endorsing the School Building Project to be presented to the electorate and to consider the method by which the question will be presented (Financial Town Meeting or Referendum). Councilor mushen expressed his personal endorsement of this project but wanted his fellow Councilors to have the opportunity to hear from the School Committee Chairman and others on this matter prior to voting.

Donald T. Gomez, Chairman School Committee made the following points regarding the proposal:

*** Need approval from the voters within six (6) from Nov. 4, 2010 to comply with the financing requirements**

*** Total project capped by RIDE at 11.3 million for health, code and**

safety

*** RIDE gave authorization for up to \$300,000 to be spent on the egress/ingress in the cafeteria and the leaking roof; this work will be deducted from the total project later resulting in a lower financing cost**

*** Project could be broken down into working segments to avoid displacement of children or can be done in a more aggressive continuous work segment**

*** School Committee recommends an aggressive approach to have the least impact on the students and the town overall**

*** School Committee voted to establish a \$10,000 fund to be used for community outreach with Heather Fitzgerald to serve as the coordinator**

*** The Building Committee will meet weekly until June to remain on top of the project**

*** Each phase of the project will require Building Committee approval and School Committee approval**

*** School Committee authorized the development of design packages to expedite the process**

*** School Committee voted 3-1-0 to recommend placing the financing approval before the voters by referendum**

Additional points made:

*** Estimate of 27 cent increase on the tax rate, showed a property valued at \$300,000 resulting in an additional \$80 on the tax bill * Rate used to estimate the tax implications (5% with 40% reimbursement)**

- * A private loan with out the reimbursement benefit would result in a higher cost factor overall**
- * Payments made by June in any given fiscal year will result in a reimbursement in the month of October**
- * School Department to use portions of its surplus fund to offset expenses**

Motion made by Councilor Mushen, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mushen): To endorse the recommendation of the School Committee to present to the electorate a proposal to repair health, code and safety problems at the Wilbur-McMahon School and to authorize the Council President to be able to work with the Town's Senator and Representative to develop the necessary documentation to be presented to the General Assembly for approval.

It was noted that if the General Assembly rejects the proposal it will not be capable of being brought before the electorate locally.

Comments on the method of presentation to the electorate:

- * Moderator and Solicitor both feel a Special Financial Town Meeting should be availed**
- * School Committee 3-1-0 for Referendum**
- * Strong need for public relations for either method, website at school with information, flyers to be mailed out**

- * FTM would allow discussion, but not amendments due to the type of question to be presented**
- * FTM could have logistical issues with seating should a larger than capacity crowd attend, video streaming, runners, use of paper ballots for vote, added cost factors for sound and video equipment**
- * Moderator feels he can address the logistical issues and allow for debate on the subject**
- * Referendum would allow an extended period of time for individuals to cast their vote (8 am to 8 pm)**
- * Referendum method will require application of election laws under Title 17 RIGL, mail ballots, poll workers etc.**
- * Roger Lord informed the Council that the LC Tax Payers Association voted to support the request to vote by referendum**
- * Ben Gauthier, Budget Committee Member advocates for an extra hearing on the subject the night before a Referendum to allow debate**
- * Title 17 requires a 50 day notice to the Board of Elections for proposed elections where a local question is to be presented**
- * Cost factors will result in approximately \$3,000 with the FTM likely costing more due to the logistical issues**

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To present to the electorate by Referendum a question for approval or rejection for the financing of a school building needs repair project totaling approximately \$11.3 million.

Councilor President Mushen recognized the following for all of their hard work to develop a viable option to present to the voters:

- Superintendent Kathryn Crowley, who stated that she was grateful for the professionalism shown through this process**
- Tom Alder, Chairman, School Building Project Committee; who expressed his gratitude for Councilor Mushens participation in this project**
- Donald Gomez, School Committee Chairman**

The Town Council reviewed a draft budget supplied by Councilor Mushen for fiscal year accounts under the Council's jurisdiction. After a quick review and notation of a few appropriations which should not have been included (Beach, Pension, Library) Councilor Mushen noted that this was a first draft of the proposed budgets. No votes were taken.

Planning Board Member Marc Brezinski has tendered a resignation causing a vacancy on the board. A set of applicants who have filed letters of interest to serve on the planning board will be considered for this position with any further letters that may be received upon posting.

Motion made by Councilor Golembeske, receiving a second from Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mushen): To acknowledge a resignation on the Planning

Board and ask the Town Clerk to post the vacancy to receive letters of interest.

Tom Dunn, Business Manager noted that he has offered to be a third party authorized on a payroll account due to a recent event where the Treasurer was out of the Country and her Clerk had a health emergency during a week where the payroll checks were to be issued. The Treasurer offered a different solution resulting in the following vote:

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To concur with a solution offered by the Town Treasurer to allow both the Treasurer and her Clerk to be the only two signatories on the payroll checking account with the additionally use of a facsimile of the Treasurer's signature for payroll checks created by Paychex the Town's payroll firm.

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

01-0162-10 CAM, Flat bed Trailer \$11,415 \$158.67 2011

Allison Rose Inc.

23-1056-10 2005 JEEP GRC \$9,311 \$129.42 2011

Wood, Dana R

13-1611-00 044/0018-7A99 \$122,100 \$650.80 2011

Miles, James A & Adolfo, Myrna

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To place on file a notice receive from Coastal Resources Management Council of proposed changes to the Rules and Regulations of CRMC for written comments to be received by February 16, 2012.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To place on file a Notice of Public Hearing received from RI Dept. of Environmental Management, Office of Water Resources Water Quality Certification Program concerning File No. 11-046 RI Dept. of Transportation Route 77 Culvert Replacement application for hearing January 26, 2012. A representative from Town will be attending this hearing.

A letter has been received from Jack Crook, President, Little

Compton Volunteer Fire Department requesting the Town hold off on advertising for the sale of #3 Rescue to allow the LCVFD to seek legal counsel.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To table until the February 9, 2012 Town Council meeting discussion of a letter received from the LC Volunteer Fire Department concerning the potential sale of Rescue #3.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To place on file an announcement received from the RI Interlocal Risk Management Trust of a presentation to be held at the RI League of Cities and Towns Convention on January 26, 2012.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To place on file a copy of a resolution adopted by the Gloucester Town Council requesting amendment to RI General Law 16-7-23 concerning regional school districts.

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

1. Public Notice received from Coastal Resources Management Council regarding a petition filed by the Town of South Kingstown to change existing designation of a segment of the Matunuck shoreline for comment on or before Feb. 17, 2012

**Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): That the bills be ordered paid as follows:
\$44,671.77**

Wilkie Excavating - Transfer Station \$90.00

Aquidneck Machine, Inc. - Maintenance \$2,950.00

Verizon - Transfer Station \$32.23

Verizon - Building Official \$39.50

Verizon - Maintenance Department \$32.23

RI Town & City Clerks Assoc. - Town Clerk \$30.00

National Grid - Adamsville Street Lights \$188.77

National Grid - Public Safety @ Transfer Station \$418.10

National Grid - Town Hall \$474.23

National Grid - I.O.O.F. \$45.25

National Grid - Meeting Hall \$25.42

National Grid - Street Lights \$90.70

National Grid - Peckham Lot \$22.95

National Grid - Town Dock \$87.74

Laura Rom - Zoning Board \$168.00

Laura Rom - Planning Board \$56.00

Laura Rom - Building Official \$266.00

Providence Journal - Board of Assessors \$590.19

Richard S. Humphrey - Town Solicitor \$3,500.00

Richard S. Humphrey - Legal Services \$3,226.25

Carol A. Wordell - Town Clerk \$48.84

W.B.Mason - Town Clerk/Building Official \$51.01

P.J. Keating Company - Highway Department \$1,706.60

A-1 Paving, LLC - Highway Department \$1,000.00

A-1 Paving, LLC - Highway Department \$3,312.00

Power Equipment Co. - Public Safety Complex \$983.02

RI Resource Recovery - Transfer Station \$503.20

John Peckham - Town Hall \$300.00

Michael Massa - Harbor Master \$114.40

Spectra Associates, Inc. - Town Clerk \$54.20

Interstate Refrigerant Recovery, Inc. - Transfer Station \$168.00

William L. Moore - Building Official \$143.75

William L. Moore - Building Official \$630.00

Poland Springs - Town Hall \$35.63

Poland Springs - Maintenance \$3.66

Sani-Kan - Maintenance \$90.95

Verizon Wireless - Fire Dept. \$226.43

Specialty Vehicles Inc. - Fire Dept. \$707.79

Overhead Door Co. - Fire Dept. \$103.35

Staples - Fire Dept. \$34.99

City of Newport - Fire Dept. \$964.98

Comstar - Fire Dept. \$457.84

Griggs & Browne Co, Inc. - Fire Dept. \$50.00

Cox Communications - Fire Dept. \$173.29

Bound Tree Medical - Fire Dept. \$152.57

Clinical 1 Home Medical - Fire Dept. \$284.74

Shipman's Fire Equipment - Fire Dept. \$3,792.00

Shipman's Fire Equipment - Fire Dept. \$27.00

Marion Welding Inc. - Fire Dept. \$855.34

Pioneer Heavy Duty Parts - Fire Dept. \$1,535.94

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

Wilbur's General Store - Fire Dept. \$30.80

Belmont Springs - Fire Dept. \$15.59 \$9,431.65

Allied Waste - Transfer Station \$6,509.00

Joseph Stankiewicz - Maintenance \$100.00

Postmaster - Treasurer \$180.00

Paychex of New York LLC - Treasurer \$760.96

Pitney Bowes - Drug Forfeiture \$145.50

Roger Williams University - Drug Forfeiture \$1,500.00

Ga-Rel Manufacturing Co - Drug Forfeiture \$233.77

Rob's Auto Care - Drug Forfeiture \$28.00

Rhode Island Police Chief's Assoc. - Drug Forfeiture \$100.00

Sullivan Tire Companies- Drug Forfeiture \$800.00

Somerset Uniform & Supply - Drug Forfeiture \$29.90

Rhode Island Attorney General - Drug Forfeiture \$60.00

Verizon Wireless - Drug Forfeiture \$414.45

TMDE Calibration - Drug Forfeiture \$392.50

**International Association of Chiefs of Police - Drug
Forfeiture \$120.00 \$3,824.12
Everlasting Desings - Police Dept. \$150.00
Belmont Springs - Police Dept. \$50.29
Wilbur's General Store - Police Dept. \$24.45
Cox Communication/Internet - Police Dept. \$171.00
Cox Communication/Telephone - Police Dept. \$182.48
Sakonnet Veterinary Hospital - Police Dept. \$390.00 \$968.22
ACS - RI Historical Trust Funds \$1,299.00
Messenger Security Systems Inc. - Public Safety Complex \$120.00**

At 8:29 PM Councilor Bodington made a motion to recess until the Council Chambers could clear before entering into executive session, seconded by Councilor Golembeske. All voted in favor (Appleton, Bodington, Golembeske, Mushen).

The Town Clerk was relieved of her duties at this time. Councilor Mushen will serve as Clerk Pro-tem for the executive session.

Carol A Wordell, Town Clerk

At 8:32 PM the Council President polled his fellow Councilors as to their wishes to enter into executive session under RIGL Section 42-46-5(a)(2) collective bargaining. All councilors voted in favor (Appleton, Bodington, Golembeske, Mushen). Attendees: Councilors

Appleton, Bodington, Golembeske, Mushen, Town Solicitor Richard S. Humphrey and Fire Chief Petrin.

Discussion ensued on negotiations with IAFF Local 3957.

At 8:53 PM the Council President polled his fellow Councilors as to their wishes to come out of executive session under RIGL Section 42-46-5(a)(2) collective bargaining. All councilors voted in favor (Appleton, Bodington, Golembeske, Mushen).

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen): To adjourn at 8:54 PM.

Robert L. Mushen, Clerk Pro-tem