

Minutes of a Town Council meeting held on September 6th, AD 2012 at 6:30 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; Gary S. Mataronas and Robert L. Mushen. Absent at this time: Paul J. Golembeske. Also in attendance: Richard S. Humphrey, Town Solicitor and Fire Chief Richard Petrin.

At 6:30 PM the Town Council President polled his fellow Councilors as to their wishes to enter into executive session under RIGL 42-46-5(a)(2) – personnel, related to a grievance filed by IAFF Local 3957. All voted in favor (Appleton, Bodington, Mataronas, Mushen).

The Council President gave a brief review of a certain personnel matter involving a recent hire. Consideration of a personnel matter brought to light under a grievance filed by IAFF Local 3957 of August

6:41 PM Paul Golembeske arrived and joined the executive session.

At 6:56 PM the Town Council President polled his fellow Councilors as to their wishes to come out of executive session under RIGL 42-46-5(a)(2) – personnel, related to a grievance filed by IAFF Local 3957. All voted in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen).

Motion made by Councilor Mushen, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That in consensus with the recommendation of Local 3957 IAFF the Council hereby terminates Mark Reimels as of September 6, 2012 and will return all of the 7% pension contributions withheld to date to Mr. Reimels, and it is further voted to hire Mark Reimels as a probationary fire fighter for the Little Compton Fire Department as of 7 AM on September 7, 2012 with salary and benefits as set forth in the current collective bargaining agreement between the Town of Little Compton and IAFF Local 3957.

The Council took a moment to allow the public to come in and the camera man to set up his equipment. AT 7:01 PM the Town Council President called the meeting to order with a request to salute the flag.

Motion made by Councilor Golembeske, receiving a second from Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mushen) Councilor Mataronas abstained from voting: To approve, as written the August 23, 2012 Town Council meeting minutes.

Announcements:

- 1. Upcoming vacancies: (2) Trustees on the LC Free Public Library**

Trust

Vacancies which are unexpired terms: (1) Little Compton Housing Trust Trustee – January 2016

(1) Conservation Commission Member – February 2015

2. A Statewide Respite Care Survey has been received from Caregiver Alliance of Rhode Island. A request has been for the Council to widely distribute this survey in an attempt to better meet the needs of the community. This survey will be copied and sent to the Town's Director of Social Services as well as the local Visiting Nurse Association on East Main Road. Anyone interested in completing the survey should contact the Town Clerk for further details.

A bond anticipation resolution has been drafted by Bond Counsel for the Council to adopt relating to the School Renovation Project. Councilor Mushen and the Town Solicitor attempted to field questions from Councilors Mataronas and Golembeske as to language contained within the cover letter of the resolution document. They questioned a footnote of the \$9,800,000 as being preliminary, subject to change and then language that stated that the Notes are valid general obligations of the Town, and all taxable property in the Town is subject to taxation without limitation as to rate or amount to pay the Notes and the interest thereon. It was noted that the preliminary language was likely due to the fact that the

town may reduce or need to increase slightly the amount to be bonded noting that the authorization by Town Referendum allows no more than the approved cap of \$11,310,000. It was also noted that the without limitation probably meant the Town does not have any property that is encumbered in a manner where it would not be subject to taxation, therefore the Town is in good standing to be bonded.

Councilor Bodington made a motion, receiving a second from Councilor Mataronas: “To authorize the Council President to adopt the Resolution as presented, contingent upon successfully determining the language concerns were interpreted correctly.” Discussion ensued. The Town Clerk expressed concern that the Bond Counsel would want the Resolution adopted within the meeting minutes. The Councilors agreed that the Council President would confirm with Bond Counsel the proper interpretation of the Counsel’s language within their legal opinion cover letter. After considerable discussion the following amended motion was properly voted:

Motion made by Councilor Bodington, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To amend a previous motion and replace with the following: To adopt the following resolution for the purpose of obtaining a bond anticipation note:

TOWN OF LITTLE COMPTON, RHODE ISLAND

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LITTLE COMPTON AUTHORIZING THE FINANCING OF HEALTH, SAFETY AND FIRE CODE-RELATED EMERGENCY REPAIRS, ALTERATIONS, RENOVATIONS, IMPROVEMENTS, LANDSCAPING AND EQUIPPING AND FURNISHING OF, THE WILBUR & MCMAHON SCHOOLS AND ALL ATTENDANT EXPENSES INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS AND APPROVING THE ISSUANCE OF BONDS AND NOTES THEREFOR IN THE AMOUNT OF \$11,310,000

RESOLVED, That:

SECTION 1. Pursuant to Chapter 010/011 of the Public Laws of 2012 and a vote of the electors of the Town on May 1, 2012, the sum of \$11,310,000 is appropriated to finance health, safety and fire code-related emergency repairs, alterations, renovations, improvements, landscaping and equipping and furnishing of the Wilbur & McMahon Schools and all attendant expenses including, but not limited to, engineering and architectural costs (the "Project").

SECTION 2. The Town Treasurer and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding \$11,310,000 bonds of the Town, at one time, or from time to time to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund

not exceeding \$11,310,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, interest rates and other terms, conditions and details of the bonds or notes may be fixed by the Town Council or the officers authorized to sign the bonds or notes. The Town may enter into a financing and/or other agreements with the Rhode Island Health and Educational Building Corporation pursuant to Title 45, Chapter 38.1 of the General Laws.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Town Treasurer, at the written direction of the Town Council, may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Town Treasurer and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.

SECTION 8. The Town Treasurer and the President of the Town Council be, and hereby are, authorized to deliver the bonds or notes to the purchasers and said officers be, and hereby are, authorized to take all actions, on behalf of the Town, necessary to ensure that interest on the bonds or notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the bonds or notes to become subject to federal income taxes.

SECTION 9. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent,

pursuant to Treasury Regulation § 1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Amounts to be reimbursed shall not exceed \$11,310,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 10. The Town Treasurer and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds in the form as shall be deemed advisable by the Town Treasurer and the President of the Town Council in order to comply with the Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Resolution or the Bonds, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under

this Section and under the Continuing Disclosure Certificate.

SECTION 11. This resolution shall take effect upon passage.

Old Business #2 – Update on School Renovation Project.

Councilor Mushen announced that construction bids were received and opened today by the School Building Committee. Said bids are in excess of the estimated \$9.6 mil that was budgeted for the project. Four firms submitted bids ranging from \$10.62 mil to \$12.25 mil. Councilor Mushen believes the Town has two choices, to down-size the project in some fashion or to spend more than anticipated. He is of the opinion that the Town should look for any opportunity where the project could be down-sized in order to meet the authorized funding level. Site plan bids are expected to be received on September 14th which will likely add another level of expense that was not budgeted. He and his fellow Councilors are concerned that without due diligence to seek out potential areas of cost savings the project could exceed the budget by \$1 mil.

Councilor Mushen will be out of town next week, but would like to make sure his fellow Councilors are aware of the limitations that may be before them regarding acceptance or rejection of any or all of the bids presently in the bid process. The Project Manager, Clerk of the Works and Architects will all review the bid proposals and make a

recommendation to the School Building Committee. The SBC will then review the proposals and make a recommendation to the School Committee who will have to award the bid subject to a final approval for authorized funding by the Town Council.

Roger Lord noted that in his experience with the Federal Government when bids come in higher than the budgeted amount a “Bid Bust” letter is sent to the bidders advising them that the bids are all over budget and to request for alternatives be offered in an effort to reduce the overall cost. This type of method was mentioned during the bid opening earlier this day, but seemed to meet some resistance.

Motion made by Councilor Mataronas, receiving a second from Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Council President to write to the School Committee to recommend they use a technique to obtain an alternative bid that will show potential areas of cost savings due to the fact that all bids received for the construction of the Wilbur-McMahon School Building Project have come in over budget.

The Chief of Police has informed the Council that Corporal Kennedy Hawes has reached his 25th year anniversary as of today’s date and request acknowledgement of his achievement. Cpl. Hawes was invited to attend for a public display of the Town’s appreciation, but declined the invitation. In his absence the Council President noted

that he hoped Cpl. Hawes would see the taping of this evenings meeting and expressed the Town's gratitude for his 25 years of service and his anticipated retirement. No votes were taken.

The Police Chief will be away from September 10th to September 14th in order to attend the New England Police Chiefs training conference to assume the position of Second Vice-President of the association.

Lt. Marion will serve as Acting Chief during his absence.

No votes were taken on this matter.

Chief Wordell asked for the Council to consider parking at Town Way and Taylor's Lane. There have been some problems with parking at Town Way over this summer resulting in two property owners discussing the matter with the Police Chief. The following points were raised:

- issues have occurred due to heavy summer populations
- vehicles have been parking on both sides of the road
- under brush has over grown causing vehicles to park further into the roadway
- access can be capable for the emergency vehicles
- dispatchers have been given a note that will flag on the 911 call that comes in to depict the need to enter from Town Way
- vehicles have been blocking the residents walkway and mailbox
- a special needs child lives at this residents – parents are concerned that emergency vehicles could loose valuable time in attempting to

reach the home should the parking problem continue

- property owners have been asked to call when the blockage occurs in order to allow the police dept. the ability to deal with the infraction immediately**

Chief Wordell will meet with the Council President, the property owner and the Highway Supervisor to draft an outline of an allowable parking area/no parking area which would not interfere with safety vehicles access. The draft outline will be brought back to the next Council meeting for the Council to review and consider scheduling a public hearing to officially amend the Town Code. While no parking issues are being considered the Police Chief asked for the Taylors Lane parking situation to be reviewed for potential changes.

Councilors are not opposed to considering a change for no parking; some are just worried it may set a precedent.

Councilor Mushen plans on meeting with Susan Samson to consider potential candidates to fill her vacancy as the Town's Representative on the Newport Bristol County Convention and Visitor's Bureau.

Chief Wordell asked if the Council needed to vote to conduct a public hearing for the ordinance change. He was informed that a formal proposal needed to come in first then a vote to schedule a hearing would occur.

The Director of Public Works announced that he plans on performing the re-paving of South Shore Road on a date after Sept. 17, 2012. The Council President noted that the CTY system would be utilized to inform residents of the exact date when the time occurred. Councilor Bodington asked who would be monitoring the paving, receiving a confirmation from Councilor Mushen that Ibbotson Excavating will be hired to oversee the work due to his past experience.

Motion made by Councilor Golembeske, receiving a second from Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the expenditure of up to \$50 at Wilbur's Store for the creation of a basket to be supplied to the James L. Maher Center for its Silent Action to be held October 14, 2012.

Councilor Bodington and the Town Solicitor, Richard S. Humphrey both asked to be recused on the following subject.

Motion made by Councilor Mataronas, receiving a second from Councilor Appleton, voting in favor (Appleton, Golembeske, Mataronas, Mushen) Councilor Bodington recused himself from voted: To place on file a copy of a Public Notice received from Coastal Resources Management Council concerning an application to relocate a reverse osmosis discharge outfall to Sakonnet Harbor.

An observation was made that the CRMC Notice did not reflect what

type of outflow would come out the discharge pipe, but rather only the technical detail of the mechanism. Christopher Burns representing the Sakonnet Point Club clarified that the Dept. of Environmental Management has jurisdiction over the water quality. The Club has engaged a Professor at the request of RIDEM to conduct a bottom study of the Harbor and have been testing and monitoring the outflow.

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

02-1354-00 008/0080 \$967,500.00 \$5,205.15 2012

Brown, James P. & Brown, Kristen M.

03-0650-00 033/0043 \$83,000.00 \$449.77 2012

Chace Point Assoc.

12-0985-10 2004 Infiniti \$13,000.00 \$180.70 2012

Lyons, Francis J.

19-1819-10 2009 Nissan MUR \$12,971.00 \$180.30 2012

Suttell, Mary W.

08-1546-60 2007 MB ESM \$14,208.00 \$197.49 2012

Hurley, John F.

16-0830-50 Personal Property \$4,235.00 \$45.57 2012

Pish Posh Design

18-0070-98 Personal Property \$2,500.00 \$26.90 2012

Ramsbottom, Lisa P. \$1,000.00 \$10.66 2011

D/B/A Penfield Design & Decorating \$3,000.00 \$31.98 2010

A motion was made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills are allowed and ordered paid as follows: \$15,354.43

Cox Communications - Misc. Town Hall Depts. \$260.49

Cox Communications - Computer \$252.00

Petro - Gasoline \$3,137.80

United Site Services Northeast, Inc. - Transfer Station \$115.00

Messenger Security System Inc. - Town Hall \$105.00

Direct Energy - Transfer Station \$17.34

Direct Energy - Town Dock Street Lights \$7.64

Direct Energy - Public Safety Complex \$941.86

Direct Energy - Street Lights \$7.27

Nationalgrid - Public Safety Complex \$665.43

Nationalgrid - Transfer Station \$23.50

Nationalgrid - Street Lights \$21.95

Nationalgrid - Town Dock Street lights \$39.84

Dave Venancio - Electrical Inspector \$780.00

MaryJane Harrington - Treasurer \$15.54

Shay Austin-Leary - Bldg., Planning, Zoning \$322.00

RI Town & City Clerks Assoc. - Town Clerk \$200.00

Wilkie Excavating Inc. - Highway \$679.00

Sakonnet Plumbing & Heating Inc. - Maintenance garage \$175.00

Allied Court Reporters - Legal Contingency \$189.50

Tom's Lawn & Garden - Maintenance \$23.55

Everlasting Designs - Website changes \$250.00

Sani-kan - Port-a-jon \$224.70

Sani-kan - Port-a-jon \$90.95

KTR Maintenance & Supply LLC - Town Hall \$45.32

Salva & Sons - Town Hall \$8.00

Paychex of New York LLC - Treasurer \$439.57

Verizon Wireless - Fire Dept. \$32.38

Verizon Wireless - Fire Dept. \$65.44

Verizon Wireless - Fire Dept. \$43.01

Goulart Petroleum Inc. - Fire Dept. \$310.51

Firematic Supply Co Inc. - Fire Dept. \$691.01

Firematic Supply Co Inc. - Fire Dept. \$27.46

Brigham Industries Inc. - Fire Dept. \$105.00

LG Communications - Fire Dept. \$490.00

Marion Welding - Fire Dept. \$275.00

Comstar - Fire Dept. \$649.59

Belmont Springs - Fire Dept. \$41.78 \$2,731.18

Richard S. Humphrey - Legal Contingency \$150.00

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

Everlasting Designs - Sept. monthly \$1,600.00

Everlasting Designs - computer website \$50.00

RI Town & City Clerks Assoc. - Town Clerk \$35.00

William L. Moore - Inspections \$540.00

William L. Moore - Building Official \$130.00

A motion was made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 8:15 PM.

Carol A Wordell, Town Clerk