

**Minutes of a meeting of the Town Council held on June 6th, AD 2013 in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Absent: Fred M. Bodington, III. Also present: Tom Dunn, Business Manager and Richard S. Humphrey, Town Solicitor (arrived at 7:08 PM)**

**Pledge to the Flag.**

**Council President Mushen presented a Proclamation to the Honorable Sidney Clifford Jr., Probate Judge for the Town of Little Compton who is retiring as of July 1st. Judge Clifford gave a brief speech expressing his gratitude for his continuous service to the Town during the past 34 years. The Town Clerk, who also serves as the Probate Clerk then presented Judge Clifford with a gift of a presentation gavel.**

**At 7:08 PM Richard S. Humphrey, Town Solicitor arrived.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To approve, as written the May 23, 2013 Town Council meeting minutes.**

**Announcement:**

**The Community Band Concert on Pikes Peak previously scheduled for May 30th was rescheduled to June 11th. The Wilbur-McMahon School Band and the Portsmouth Middle School Jazz Band will entertain attendees beginning at 6:30 PM.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file the Maintenance Department Head Report for May 2013.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file the Fire Department Head Report for April 2013.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To authorize the payment of \$627,716.72 to ADS Construction for payment under application #4 and \$12,030.00 to ICM for Project Management Services and Clerk of the Works Services for May 2013; and \$3,350 to RI Analytical; and \$32,038 to Durkee Brown Viveiros Werenfels, all totaling \$675,134.72 to be paid out of the Bond Anticipation Note for the School Building Project.**

**A second Change Order is being prepared and will be presented at a future Council meeting. This change order will include funding for**

**the relocation of the underground storage tank and various School Building Committee allowances for items previously set aside (i.e. windows & doors - repairs/improvements, installation of new locks in existing doors) Anticipated value of this change order is approximately \$225,000.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file Field Report #003 as presented by Durkee Brown Viveiros Werenfels, Architects for the Wilbur & McMahon School Renovation Project.**

**Council Members were reminded that they can schedule a walkthrough of the site if they wish to see the progress.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To endorse the Council Presidents desire to have the Building Official and the Business Manager review the draft floodplain ordinance changes created by the Town Clerk and her Deputy based on recommendations from RI Emergency Management, Floodplain Mapping Coordinator and to ask said individuals to return to a future Council meeting with a recommendation for public hearing.**

**Discussion on proposal to upgrade the Town Landing, comments**

**listed as follows:**

- **Councilor Mushen, Police Chief Wordell and Paul Cissel met to review the site.**
- **Plan to replace the signage, create a nominal parking area and begin encouraging visitors to park in designated areas**
- **Potentially consider parking violations/citations if violations occur**
- **Is there enough designated parking proposed**
- **The Beach Commission uses their staff on rainy days to do some cleaning of the beach area, do not manage this site as a beach (no life guard staffing)**
- **Concerns that the use of the field will be restricted if permits will be required for entrance**
- **Concerns that certain plants can spread and invade the open areas (Rosa-Ragusa's especially)**
- **Wishes to see the field returned to grass**
- **Support for repair of ruts and restoration of grassy areas**
- **Acknowledging surfers have found the spot**
- **Some have damaged the field, creating ruts with their cars in muddy seasons**
- **Some feel this proposed change is spiteful and not in keeping with the initial intent of the donor**
- **Not many open spaces left for the public to use, do not want to see it modernized**
- **Tension between those trying to restore a significant portion of the field vs. those who wish for more accessibility**

- **Volume of use has increased over the years, extensive over use is causing poor condition**
- **A parking plan shall be drafted by the architect and presented at a future date to the Council for consideration**
- **No votes were taken**

**Consideration of request from the Town of Portsmouth to join the federal lawsuit filed against the RI Bridge and Turnpike Authority concerning the tolls proposed to be levied on the Sakonnet River Bridge. The Town Solicitor noted that the suit is fascinating, but wondered if the addition of the Town of Little Compton to the filing would add any value to the suit. He made the following notations: firstly, the Town is currently maintaining a higher level of financial responsibilities than we normally experience; secondly, the Town is not uniquely different than those already in the suit therefore not bringing any added value to the case; and thirdly, it is perceived that there would be a substantial investment monetarily that we may not be prepared for.**

**Councilor Mushen and the Town Solicitor met with the Solicitor for the Town of Portsmouth. We have supported, through resolutions, that we support the opposition of any tolling on the Bridge. After a brief discussion the following was voted:**

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

**Mataronas, Mushen): To address a letter to the Portsmouth Town Council supporting their effort to file suit against the RI Bridge and Turnpike Authority concerning their proposal to toll vehicles on the Sakonnet River Bridge, but that we are restrained financially at this time and can not offer our resources at this time.**

**Motion made by Councilor Mushen, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To adopt the following resolution:**

### **Resolution supporting a Constitutional Amendment**

**WHEREAS, the State of Rhode Island has suffered from a long history of public corruption, and the people of Rhode Island, through their Constitution, created the Ethics Commission to prevent and police further corruption and make their government more transparent and accountable to the people; and**

**WHEREAS, the Rhode Island Ethics Commission adopted a Code of Ethics covering financial conflicts of interest, use of confidential information, use of official position, contracts with government agencies, financial disclosure, and nepotism; and**

**WHEREAS, the Little Compton Town Council supports the Rhode Island Code of Ethics and the Rhode Island Ethics Commission; and**

**WHEREAS, all elected and appointed officials in the State of Rhode Island including those of the Town of Little Compton are required to comply with the Rhode Island Code of Ethics; and**

**WHEREAS, the Rhode Island Supreme Court in Irons v. The Rhode Island Ethics Commission has declared that the Commission can no longer enforce the Code of Ethics for the “core legislative acts” of members of the General Assembly; and**

**WHEREAS, the Rhode Island Supreme Court declared that the jurisdiction of the Ethics Commission can be restored by a “sufficiently explicit constitutional amendment,” and the approval of the General Assembly is needed to put such an amendment before the voters; and**

**WHEREAS, joint resolutions S-0337 and H-5498 would put a constitutional amendment on the 2014 ballot allowing the voters of Rhode Island to restore the full jurisdiction of the Ethics Commission over the General Assembly as they intended in 1986.**

**NOW, THEREFORE, BE IT RESOLVED, That the Little Compton Town Council expresses its support for placing a constitutional amendment before the voters and urges the Rhode Island Senate to pass joint resolution S-0337 and the Rhode Island House to pass joint resolution H-5498, and cause a copy of this resolution to be mailed to Governor Lincoln D. Chafee, Senate President M. Teresa Paiva Weed,**

**Speaker of the House Gordon Fox, Senator Louis DiPalma and Representative Dennis Canario.**

**Approved by the Little Compton Town Council this 6th day of June 2013. Robert L. Mushen, Town Council President**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mushen, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Mark Enwright as a member of the Auditorium/Gymnasium Committee for a three year term which will expire June 30, 2016.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Appleton, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Stephen B. Ham, Roger P. Lord and Robert A. Marra as members at large on the Pension Committee for the ensuing year.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Michael Massa as Harbor Master and Commissioner of Wrecks for the ensuing year.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Charles G. Hall as the Assistant Harbor Master for the ensuing year.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mushen, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To table until June 20, 2013 consideration of an appointment of a Trustee to the LC Agricultural Conservancy Trust.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Appleton, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Antone Marion Jr. as a Member of the Zoning Board of Review for a five year term which will expire July 15, 2018.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To re-appoint Herbert Case as an Alternate Member of the Zoning Board of Review for a five year term which will expire July 15, 2018.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To award the spring roadside grass and brush mowing contract to the single bidder, Joseph Rego in the amount of \$7,452.**

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

**Mataronas, Mushen): To adopt the following resolution:**

**RESOLUTION OPPOSING SENATE BILL 0322 and HOUSE BILL 5394  
LEGISLATION RELATING TO TAXATION – LEVY AND ASSESSMENT  
OF LOCAL TAXES**

**WHEREAS, Senate Bill 0322 and House Bill 5394 would prevent a municipality from taxing new construction single-family dwellings and residential condominium units which are not occupied, have never been occupied and are actively for sale to the open market; and**

**WHEREAS, Senate Bill 0322 and House Bill 5394 favors the owners of development properties, thus giving for-profit developers an inequitable advantage in the residential market; and**

**WHEREAS, Senate Bill 0322 and House Bill 5394 allow for unfair taxation to a property owners who wish to custom build their own single family home or condominium; and**

**WHEREAS, Senate Bill 0322 and House Bill 5394 would not be beneficial to the Town of Little Compton as it would cause a reduction in assessment values and loss of revenue, negatively affecting the budget process and forcing taxpayers to shoulder the burden to the benefit of a single group.**

**NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Little Compton respectfully requests the Rhode Island General Assembly to oppose Senate Bill 0322 and House Bill 5394.**

**BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to every State Senator, State Representative and the Governor.**

**Adopted this 6th day of June 2013.      Robert L. Mushen, Town Council President**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To authorize the Town Council President to enter into renewal contracts with the Building Official/Director of Public Works, the Town Business Manager, the Fire Chief and the Police Chief.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To authorize the Council President to advertise to seek bids for repairs to the retaining wall at the Transfer Station contingent upon specifications being successfully created.**

**Motion made by Councilor Mataronas, receiving a second by**

**Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file a copy of a resolution adopted by the Middletown Town Council concerning legislation that would create the Municipal Road and Bridge Revolving Fund.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file a letter addressed to the Town Council President from US Dept. of Homeland Security, Federal Emergency Management Agency concerning the continued efforts to implement the floodplain management measures necessary for the updated Flood Insurance Rate Maps.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To authorize the Town Council President to inform the RI Interlocal Risk Management Trust that the Town wishes to receive its Trust Ownership Participation Shares Dividend as a credit to the PY14-15.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To grant permission to Jason Ford to reserve the town tennis courts for summer use as follows:**

**July: Tuesday and Thursday – 7:30 am to 9:30 am**

**Monday and Wednesday – 11:30 am to 2:00 pm**

**August 5 -23: Monday through Friday 9:30 am to 12:30 pm**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file, without comment, a Notice of Zoning Board of Review Public Hearing on a petition for a variance received from St. Andrews by the Sea.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To grant a Peddler's License to Dana Neville d/b/a The Cotton Candy Man with the license expiring as per code on April 1, 2014.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To place on file a copy of a resolution adopted by the Scituate Town Council opposing House Bill 6099, proposed legislation to create the Ocean State Regional Water Authority.**

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

**1. Copy of a letter sent to the Planning Board from the LC Housing**

**Trust inquiring about low and moderate income qualifying subdivision provisions**

**2. Copy of a letter sent to the Police Chief from the RI Medical Society, Chair Public Laws Committee concerning the Good Samaritan Overdose Prevention Act.**

**3. Letter notifying the Town of changes in the Public Safety Injured-On-duty Coverage provided to the town as part of the Workers' compensation Policy**

**4. Copy of a letter sent to the Nature Conservancy by the Town Solicitor responding to a letter addressed to the Beach Commission concerning property located at South Shore Beach**

**5. Copy of a resolution adopted by the Jamestown Town council supporting the inclusion of the RI General Assembly under the jurisdiction of the RI Ethics Commission**

**6. Copy of an e-mail sent to the Portsmouth Town council, copied to the LC Town Council from Robert T Oliveira expressing concerns over the use of the Portsmouth Town "logo" and actions taken during the filing of the law suit at the Federal level**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid:**

**Approve for payment on July 1, 2013:**

**Wells Fargo Equip Finance - Ambulance Reimb. Fund    \$57,754.90**

**For payment immediately: totaling \$47,289.42**

**ACS - Town Clerk \$33.75**

**Specialty Vehicles Inc. - Ambulance Reimb. Fund \$407.85**

**C&S Specialty Repair - Ambulance Reimb. Fund \$15,786.94**

**LG Communications - Ambulance Reimb. Fund \$252.50**

**Comstar - Ambulance Reimb. Fund \$151.89 \$16,599.18**

**Bristol Community College - Fire Dept. \$1,576.00**

**GBW Associates LLC - Fire Dept. \$2,750.00**

**Messenger Security Systems Inc. - Fire Dept. \$520.40 \$4,846.40**

**KTR Maintenance & Supply LLC - Public Safety Complex \$1,170.00**

**Cox Communications - Misc Town Hall Dept. \$254.96**

**Cox Communications - Computer \$252.00**

**Stanley Engineering Inc. - Assessors \$366.00**

**Leonard Duckworth - Assessor \$1,326.91**

**Robert H Goff Jr. - Assessor \$1,326.91**

**William Monahan - Assessor \$1,326.93**

**Fisher Bus Inc. - Senior Busing \$300.00**

**Tom's Lawn & Garden - Maintenance \$73.59**

**A Michael Steers - Planning Board \$40.60**

**Franlart Nurseries Inc. - Tree Warden \$1,215.00**

**ATR Treehouse - Canvassers \$1,093.75**

**KTR Maintenance & Supply LLC - Town Hall \$45.17**

**Petro - diesel \$847.97**

**McGeoughs Turf Management Inc. - RCOS funds \$1,936.00**

**Joe Stankiewicz - Maintenance \$1,278.90**

**Home Depot - Town Hall - Maintenance \$26.89**

**Freds Tree & Design Inc. - Harbor Management Funds \$900.00**

**WBMason - Fire Dept. - Town Hall \$129.27**

**Paychex of New York LLC - Treasurer \$427.03**

**EastBay Newspapers - Conting. - Canvassing - Hwy - Council \$579.60**

**Weston Thurston & Son - Snow removal \$2,304.00**

**Richard S Humphrey - legal services \$58.00**

**Richard S Humphrey - legal services \$246.50**

**Richard S Humphrey - legal services \$232.00**

**Richard S Humphrey - legal services \$754.00**

**Nationalgrid - Street Lights \$24.34**

**Nationalgrid - Street Lights Town Dock \$44.36**

**Steven F Rego - RCOS funds \$750.00**

**Direct Energy - Street Lights \$7.11**

**Direct Energy - Street Lights at Town Dock \$7.50**

**Valcourt Heating Inc. - Public Safety Complex boiler #1 \$95.75**

**Valcourt Heating Inc. - Public Safety Complex boiler #2 \$95.75**

**Paychex of New York LLC - Treasurer \$449.65**

**Tripps Lawn Care Inc. - Almy Cemetery Fund \$230.00**

**Anthony DeSisto - Planning Board \$500.00**

**Thomas Wood - Drug Forfeiture \$420.00 \$420.00**

**Pitney Bowes - Police Dept. \$165.00**

**W.B. Mason - Police Dept. \$82.37**

**Roger Williams University - Police Dept. \$125.00**

**Belmont Springs - Police Dept. \$22.18 \$394.55**

**JR Tree & Land Co. - Highway \$698.00**

**Dave Venancio - Inspectors \$1,200.00**

**EastBay Comm. Action Program - student asst. counselor \$2,381.10**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen): To adjourn at 8:10 PM.**

**Carol A Wordell**

**Town Clerk**