

**Minutes of a Town Council meeting held on July 25th, AD 2013 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; Gary S. Mataronas and Robert L. Mushen. Absent: Paul J. Golembeske. Also present: Richard S. Humphrey, Town Solicitor, Tom Dunn, Business Manager; Robert Goff, Assessor.**

**Pledge to the Flag.**

**As per Section 410 B of the Little Compton Home Rule Charter a Public Hearing will be opened for the purpose of collecting public comments on a proposed amendment to the Town Code Chapter 14 – Zoning, Special Flood Hazard Areas Section 14-5.9. Said amendment is proposed in order to bring the Town into compliance with the National Flood Insurance Act of 1968, as amended. The proposed amendment has been reviewed by RIEMA and FEMA for technical approval and has been posted and made available for public review.**

**The Public hearing was called to order at 7:01 PM.**

**Councilor Mataronas is opposed to the mandate that the Federal Government is dictating use of coastal land through these required ordinances. He feels they are making the flood areas too stringent and making it harder for property owners to use their land. He stated that he believed a few other towns may be fighting this ordinance requirement. No other Councilors or the Town Solicitor had heard of**

**any proposal to oppose the ordinance requirements.**

**Councilor Appleton asked for clarification on consequences inferred by the Federal Emergency Management Agency through the National Flood Insurance Program. Councilor Mushen noted that FEMA has stated that the Town needs to adopt the new Floodplain management measures to avoid suspension from the National Flood Insurance Program. If the Town does not comply local residents may be denied flood insurance coverage.**

**Motion made by Councilor Bodington, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen): To close a public hearing regarding a proposal to amend the Little Compton Town Code, Chapter 14-5.9 – Zoning Special Flood Hazard Areas.**

**Motion made by Councilor Bodington, receiving a second by Councilor Mushen, voting in favor (Appleton, Bodington, Mushen) Councilor Mataronas opposed: To adopt the following amendment to Chapter 14 of the Little Compton Town Code:**

**14-5.9 Special Flood Hazard Areas.**

**The purpose of this subsection is to ensure public safety; minimize hazards to persons and property from flooding, to protect watercourses from encroachment, and to maintain the capability of**

**floodplains to retain and carry off floodwaters. The Town of Little Compton elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).**

**a. Applicability.**

**1. Special Flood Hazard Areas. The Special Flood Hazard Areas are herein established as a floodplain overlay district. The district includes all special flood hazard areas within the Town of Little Compton designated as Zone A, AE, AH, AO, A99, V, or VE on the Newport County Flood Insurance Rate Map (FIRM) and Digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Newport County FIRM that are wholly or partially within the Town of Little Compton are panel numbers: , 4405C0116H, 4405C0117H, 4405C0118H, 4405C0136H dated April 5, 2010 and; 4405C0112J, 4405C0114J, 4405C0119J 4405C0138J, 4405C0202J, 4405C0204J, 4405C0206J, 4405C0207J, 4405C0208J, and 4405C0226J dated September 4, 2013. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Newport County Flood Insurance Study (FIS) report dated September 4, 2013. The Office of the Building Official is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Town Clerk and the Building Official; both located a 40 Commons, Little Compton, Rhode Island. In addition, the Town of**

**Little Compton's website shall include links to the FIRMs including Plat and Lot Zones.**

**b. Administrative Provisions.**

**1. Building Permit. All proposed construction or other development within a Special Flood Hazard Area shall require a permit.**

**The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just “building” projects. Development projects include any filling, grading, excavating, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a Special Flood Hazard Area is not covered by a building permit, all other non=structural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another State agency issues a permit, the local building official must have the opportunity for input and keep a copy of the respective permit in their files.**

**Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by federal or state law, including the Town of Little Compton Zoning Ordinance.**

**A permit fee (based on the cost of the construction) may be required to be paid to the Town of Little Compton and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the code enforcement officer and/or Zoning Board of Review needs the assistance of a professional engineer.**

**2. Disclaimer of Liability. The degree of flood protection required by the subsection is considered reasonable but does not imply total flood protection.**

**3. Severability. If any section, provision, or portion of this subsection is adjudged unconstitutional or invalid by a court, the remainder of the subsection shall not be affected.**

**4. Abrogation and Greater Restriction. This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this ordinance shall control.**

**5. Enforcement. The building official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1.**

**6. Penalties. Every person who shall violate any provision of this code shall be subject to penalties put forth in RIGL § 23-27.3-122.3.**

**c. Notification of Watercourse Alteration.**

**1. In a riverine situation, the Building Official shall notify the following of any alteration or relocation of a watercourse.**

**\*Adjacent Communities (Tiverton, RI and Westport, MA)**

**\*NFIP State Coordinator**

**Rhode Island Emergency Management Agency**

**645 New London Avenue**

**Cranston, RI 02920**

**\*Risk Analysis Branch**

**Federal Emergency Management Agent, Region I**

**99 High Street, 6th Floor**

**Boston, MA 02110**

**The carrying capacity of the altered or relocated watercourse shall be maintained.**

**d. Use Regulations.**

**1. Reference to Existing Regulations. The Special Flood Hazard Areas are established as a floodplain overlay district. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in**

**compliance with the following:**

**(a) Rhode Island State Building Code (as established under Rhode Island General Law § 23-27.3)**

**(b) Coastal Resources Management Act, Rhode Island Coastal Resource Management Council (RIGL § 46-23)**

**(c) Freshwater Wetlands Act, Rhode Island Department of Environmental Management (RIGL § 2-1-18)**

**(d) Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (RIGL § 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1 and 46-13.2)**

**(e) Town of Little Compton Zoning Ordinance, subsection 14-5.8 Water bodies and Wetlands**

**(f) Endangered Species Act, Rhode Island Department of Environmental Management (RIGL § 20-1-2)**

**(g) Water Quality Regulations, Rhode Island Department of Environmental Management (RIGL § 42-17.1 and 42-17.6 and 46-12)**

**Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with**

**the required variance procedures of these state regulations.**

## **2. Other Use Regulations.**

**(a) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.**

**(b) Within Zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and nonresidential structures shall be elevated or flood-proofed above the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO Zone, structures shall be elevated or flood proofed to at least two (2) feet above the highest adjacent grade.**

**(c) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Newport County FIRM encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

**(d) All subdivision proposals must be designed to assure that:**

**(1) Such proposals minimize flood damage:**

**(2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and**

**(3) Adequate drainage is provided to reduce exposure to flood hazards.**

**(e) Detached accessory structures in Zones A, AE, A1-30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood-proofing requirement if one or more of the following standards are met:**

**(1) The structure has a value less than one thousand (\$1,000.00) dollars.**

**(2) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.**

**(3) The structure is used solely for parking of vehicles and/or limited storage.**

**(4) The accessory must be wet flood-proofed and designed to allow for the automatic entry and exit of floodwater.**

**(5) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.**

**(6) Service facilities such as electrical, mechanical and heating equipment must be elevated or flood proofed to or above the base flood elevation.**

**(7) The structure must not increase the flood levels in the floodway.**

**(8) The structure is not in the floodway.**

**(9) The structure is not used for storage of hazardous materials.**

**(f) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.**

**(g) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a Special Flood Hazard Area so as to result in a use or expansion that could increase the risk to the occupants.**

**(h) The space below the lowest floor:**

**1. Free of obstructions as described in FEMA Technical Bulletin 5 “Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance**

**Program”, or**

**2. Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or**

**3. Designed with an enclosed area less than 300 square feet that is constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.**

**3. Variance Regulations. Where strict application of the requirements of this subsection would create an undue hardship, the Zoning Board of Review, in accordance with the procedures outlined in Section 14-9 of this chapter, may grant a variance from the application of the provisions of this subsection. In granting such a variance, in addition to such provisions, the Board of Review shall grant the least variance required to reduce said hardship and, further, shall:**

**(a) Make a written decision containing findings that strict compliance with said provision(s) would result in undue hardship that is confiscatory in extent and would prevent all beneficial use of the land or structure.**

**(b) Describe in its written decision the exact extent of the variance granted.**

**(c) Indicate in its written decision that the grant of said variance may affect the flood insurance rates as they apply to the subject property.**

**(d) Forward a copy of its written decision to the applicant, the Building Official and the Statewide Planning Program of the State of Rhode Island.**

#### **4. Base Flood Elevation and Floodway Data.**

**(a) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

**(b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.**

**(c) Base Flood Elevations in A Zones. In the absence of FEMA BFE data and floodway data, the best available Federal, State, local, or other BFE or floodway data shall be used as the basis for elevating residential and nonresidential structures to or above the base flood level and for flood proofing nonresidential structures to or above the base flood level.**

**e. Definitions. Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage to give this ordinance most reasonable application. The definitions found below shall prevail for all properties located within a Special Flood Hazard Area.**

**Accessory structure shall mean a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.**

**Area of shallow flooding shall mean designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1%) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.**

**Area of Special Flood Hazard—See definition for "Special Flood Hazard Area."**

**Base flood shall mean the flood having a one (1%) percent chance of being equaled or exceeded in any given year.**

**Base Flood Elevation (BFE) shall mean the elevation of the crest of**

**the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.**

**Basement shall mean any area of the building having its floor sub grade (below ground level) on all sides.**

**Building—See definition for "Structure."**

**Coastal A Zone – Area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped V Zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1.5 feet.**

**Cost shall mean as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition**

and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

Development shall mean any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing manufactured home park or manufactured home subdivision shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or existing manufactured home subdivision shall mean the preparation of

**additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).**

**Federal Emergency Management Agency (FEMA) shall mean the Federal agency that administers the National Flood Insurance Program (NFIP).**

**Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.**

**Flood Insurance Rate Map (FIRM) shall mean the official map of a community on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to a community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).**

**Flood Insurance Study (FIS) shall mean the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood**

**elevations, and may provide the regulatory floodway limits.**

**Flood proofing shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.**

**Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway."**

**Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.**

**Functionally dependent use or facility shall mean a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and**

**unloading of cargo or passengers, and ship building and ship repair facilities.**

**Highest Adjacent Grade (HAG) shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.**

**Historic structure shall mean any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.**

**Limit of Moderate Wave Action (LiMWA) – An advisory line indicating the limit of the 1.5-foot wave height during the base flood.**

**Lowest floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; Provided, that such enclosure is not building so as to render the structure in violation of the applicable non-elevation design requirements of § 60.3.**

**Manufactured home shall mean a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".**

**Manufactured home park or manufactured home subdivision shall mean a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.**

**Market value shall mean the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's actual cash value.**

**New construction shall mean structures for which the "start of construction" commenced on or after the effective date of an initial**

**FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.**

**New manufactured home park or manufactured home subdivision shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain regulations adopted by the community.**

**Recreational vehicle shall mean a vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.**

**Regulatory floodway—See definition for "Floodway."**

**Sheet flow area—See definition for "Area of shallow flooding."**

**Special Flood Hazard Area (SFHA) shall mean the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".**

**Start of construction shall mean for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include**

**excavation for a basement, footings, piers, or foundations or the erections of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**

**Structure - For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.**

**For insurance purposes, means:**

- 1. A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;**
- 2. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure; built on permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or**
- 3. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.**

**For the latter purpose, “structure” does not mean recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.**

**Substantial damage shall mean damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.**

**Substantial improvement shall mean any reconstruction, rehabilitation, additions or other improvements to a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed.**

**The term does not, however, include either: (1) any project to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."**

**Variance shall mean a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.**

**Violation shall mean failure of a structure or other development to be fully compliant with the community's floodplain management**

**ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.**

**End amendment to code.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To approve, as written the July 11, 2013 Town Council meeting minutes.**

**Councilor Mushen noted that the School Renovation Building Project is approximately 40% complete with an anticipated completion date of 25 February 2014. Change Order #3 was reviewed and approved as follows:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To authorize Change Order #3 totaling \$27,931.99 for the Wilbur-McMahon School Renovation Project.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To ratify the actions of the Town Council**

**President to authorize the following FY2013 Budget Adjustments:**

**Based on our review of the FY2013 actuals vs. appropriations including the accounts payables processed subsequent to the June 20 Town Council meeting, we are recommending the following transactions be approved prior to the closing of the fiscal year-end:**

**1. Transfer \$4,695 from the Transfer Station appropriation to the Maintenance**

**Department strokes as follows:**

- Salary \$4,695 P/T salary**

**2. Transfer \$7,743 from the Police Department appropriation to the Public Safety Dispatchers strokes as follows:**

- Salary \$ 779 Unexpected shortfall**
- OT \$ 6,964 Unexpected shortfall**

**3. Transfer \$4,320 from the Building/Highway Official appropriation to Inspectors stroke as follows:**

- Salary \$4,320 Additional permits**

**4. Allocate \$14,807 from the FEMA Category B account receivable to the Fire Department stroke as a result of emergency protective measures implemented during the Severe Winter Storm damage and other unforeseen expenses:**

- OT \$14,807 Emergency protection**

**5. Allocate \$7,337 from the FEMA Category A account receivable to the Tree Warden stroke as a result of debris removal work implemented during the Severe Winter Storm damage and other unforeseen expenses:**

- **Department Expenses \$ 7,337 Debris removal**

**6. Transfer \$8,756 from the Insurance Fund to the Insurance stroke as follows:**

- **Office Expense - Ins \$ 8,756 Unbudgeted premium**

**7. Transfer \$20,053 from the Contingency appropriation to offset unexpected budget shortfalls in the following strokes:**

- **Town Hall \$ 1,042 Fuel (Heating)**
- **Treasurer/Tax Collector \$ 254 Service Contracts**
- **Town Auditor \$ 609 Auditing/Dept. Exp.**
- **Budget Committee \$ 574 Department Exp.**
- **Public Safety Complex \$10,141 Fuel Heating/Maint & Repair**
- **Fire \$ 4,164 Additional shortfall**
- **PSC Debt \$ 350 Additional fee**
- **Street Lights \$ 929 Electricity**
- **Meeting Hall \$ 929 Fuel Heating/Maint & Repair**
- **Senior Citizens Busing \$ 411 Unexpected shortfall**
- **Student Assistance \$ 650 Unexpected shortfall**

**Others:**

- **Transfer \$1,000 from the Record Vault stroke to the Record Vault**

## **Fund**

- **Transfer \$15,000 from the Revaluation stroke to the Revaluation Fund**

- **Reclassify \$14,935.15 from the Revaluation stroke to the Revaluation Fund**

- **Transfer \$30,000 from the Capital Expenditure stroke to the Capital Fund**

- **Reclassify \$43,436.42 from the Capital Expenditures stroke to the Capital Fund.**

- **Encumber \$19,325 in Highway Department funds to be used for FY14 Highway expenses**

- **Encumber \$5,000 of the remaining Contingency stroke to be used for the Wastewater Treatment Facility solid waste and grease tank disposal fees.**

**Councilor Bodington noted that he has completed some research concerning a vote taken previously to consider purchasing a heavy duty truck to use as a back up sander for the Dept. of Public Works. During his review he concluded that a back up sander may not be warranted at this time. He suggests that the Town will be in need of replacing the older green pick up truck for the Maintenance Department and should consider replacing it with a smaller dump truck that could handle a smaller sander. By considering a smaller dump truck the newer vehicle could be used through out the year and not just in a snow event as a backup vehicle.**

**Councilor Bodington continued to explain that he has discovered that the Town of Westport leases a John Deere Tractor, 5101 series, with a cab (heat/AC) and attachments, specifically a boom arm for roadside mowing. This vehicle is under a 5 year lease of \$17,600 annually with an option to buy for \$1 at the conclusion. Considering the costs involved annually for roadside mowing it may be prudent to negotiate a lease similar to Westport's. If this option was considered it would require a change in focus of the maintenance department personnel.**

**Councilor Mataronas stated that he saw no problems with the suggestion for a smaller dump truck. All agreed that it would allow the maintenance department to use this vehicle in Wilbour Woods and other existing jobs where that type of truck body would be advantageous. A closer review of labor, training, equipment needs and usage as well as cost factors are needed. Meeting with the Maintenance Foreman may be another step in considering actions on this subject. No votes were taken.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To ratify the Town Council Presidents actions to authorize an additional check in the amount of \$1,500 be written to Imperial Municipal Partners to cover the difference between the trade-in quote for a 2010 vs. the actual value of the 2009 vehicle traded-in on the purchase of a 2013 Dodge Charger PPV Sedan**

**previously authorized to be paid out of the Capital Fund for the Police Department.**

**David Toracinta, a Little Compton resident addressed the Council on his concerns over two subjects, speeding on Oak Forest Drive and Dogs on South Shore Beach.**

**Re: Speeding on Oak Forest Drive. Mr. Toracinta noted that vehicles seem to be speeding through Oak Forest at 40 – 50 Mph, but acknowledges that it is a private road. The Police Chief suggested that the Oak Forest Home Owners Association write its membership about the speeding issue. His department would not be able to issue citations for speeding on a private road but would be willing to work with the Association and further suggested speed bumps may be a consideration.**

**Re: Dogs on South Shore Beach. Mr. Toracinta mentioned that he was stopped by the Police and instructed that he could not have the dog on the beach. He wonders whether there is a conflict with this ordinance and the right of individuals to travel below the mean high-water mark. When he conversed with the Sergeant at the Police Station he was advised that he would be cited if he walked a dog on the beach. He stopped walking his dog due to this conversation. He personally feels the dogs should be allowed on the beach during the hours that the beach is not open for operation if they are on a leash. He has done research, which he supplied to the Council that shows**

**an opinion that more harm comes to the piping plovers through wild life than through visits of domestic animals specifically dogs.**

**The Police Chief noted that the Nature Conservancy who manages Goosewing Beach have engaged the Police Department for a two year grant project where they police the beach area in two hour increments while the beach is closed. He acknowledged that an officer initially thought the restriction covered South Shore Beach as well as Goosewing Beach; this has been clarified to be applicable only to Goosewing Beach. He also noted that his department has been instructed that they are there to educate the dog owners and ask for cooperation. Citations would only be issued if a dog owner was blatantly not obeying the Nature Conservancy's rules on the subject. The Chief submitted copies of internal office directives for the Council file on this subject.**

**The Council President recognizes that beach hours of operation in the town ordinances can be interpreted differently and that he is presently working with the Beach Commission Chair to develop language that will be clearer on this subject. No votes were taken.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To move New Business #4 to this point in the meeting.**

**New Business #4 – Review proposed FY14 tax billing. Councilor Mushen gave his fellow councilors an overview of a recent development in the tax levy. The current real estate net assessed value, when taxed at the Financial Town Meeting advertised rate of \$5.38, does not produce the advertised tax levy. Due to extenuating circumstances the tri-annual real estate revaluation was not completed by the Annual Financial Town Meeting. Due to successful appeals of some of the revaluations the number used for the tax base at the FTM and the actual number available as the tax levy has been reduced by approximately \$15,000,000, thus resulting in an expected tax revenue loss of approximately \$90,000 if the tax rate remains at the advertised \$5.38 per thousand. The Town Council President proposes an authorization of a commitment of up to \$90,000 be voted to be taken from the Reserve Fund. The Council President believes that revenues from other sources should assist in offsetting the need for the full \$90,000. Any amount not needed to cover the short-fall shall remain in the Reserve Fund. After a brief discussion the following was voted:**

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen): To authorize the commitment of up to \$90,000 out of the Reserve Fund to augment tax revenues for Fiscal Year 2014 due to an unforeseen circumstance, an appropriation to replace all monies committed and used through this action shall be considered at the Annual Financial Town Meeting of 2014.**

**Richard S. Humphrey, Town Solicitor left the meeting and the Council Chambers at 7:50 PM.**

**The Tree Warden has asked that his hourly rate for labor be reconsidered for increase to \$45 per hour. Councilor Mushen discussed his review of the Tree Warden's past rates noting that it has been a number of years since any increase has occurred. He also noted the rates for a laborer in the Highway Department although no request has been made by the Director of Public Works to reconsider the Highway Department rates. Acknowledging that the Highway Department rates have been raised in recent years it was decided to simply deal with the request at hand.**

**Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen): To increase the Tree Warden's labor rate per hour from \$40/hr to \$45/hr., effective immediately.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen): To defer until August 8, 2013 further consideration of an Energy-Saving Lighting Improvement proposal for the Town Hall in order to allow Town Hall employees the opportunity to visit the Public Safety Complex to view the energy saving lighting installed at the Complex.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen): To allow Councilors Bodington and Mushen to schedule a time to meet with representatives of the RI Office of Energy Resources to discuss a proposal for the Town to consider participating in the RI Public Energy Partnership.**

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen): To authorize a revised LC Agricultural Conservancy Trust Transfer Tax Form, as follows, to be published in the Little Compton Town Code Appendix, contingent upon a successful review by the Town Solicitor.**

**No. \_\_\_\_\_**

**Date \_\_\_\_\_**

**THE LITTLE COMPTON AGRICULTURAL CONSERVANCY TRUST  
Receipt for Land Transfer Tax Paid (Present this form to the Town  
Treasurer)  
ONE TRANSFER FORM MUST BE COMPLETED FOR EACH LOT  
CONVEYED  
EXAMPLE CALCULATIONS SHOWN ON REVERSE**

**BUYER'S**

**NAME(S)**

\_\_\_\_\_  
\_\_\_\_\_

**ADDRESS**

\_\_\_\_\_  
\_\_\_\_\_

**SELLER'S**

**NAME**

**(S)** \_\_\_\_\_  
\_\_\_\_\_

**ADDRESS**

\_\_\_\_\_  
\_\_\_\_\_

**(Note: For all transactions, complete Sections 1 – 5 below. If an entire 100% fee interest in the property is being conveyed complete Section 6. The buyer shall receive One (1) exemption of \$150,000.00 per lot, regardless of the number of deeds or other instruments used. If, less than the entire fee interest is conveyed, then the exemption shall be reduced proportionately and Section 7 is to be completed.**

**SECTIONS 1 – 5**

**1. PARCEL INVOLVED:**                      **Plat No** \_\_\_\_\_

**Lot No** \_\_\_\_\_

**2.**                      **TOTAL**                      **PURCHASE**                      **PRICE**

..... \_\_\_\_\_

\_\_\_\_\_

3. PERCENTAGE OF FEE  
CONVEYED.....

4. EXEMPTION (LINE 3 X  
\$150,000.00).....

5. TAXABLE PROCEEDS (Line 2 - Line  
4).....

**SECTION 6**

**6. TRUST TRANSFER TAX (100% FEE CONVEYANCE ONLY)**

6A. .02 X Taxable Proceeds up to \$75,000

6B. .04 X Taxable Proceeds over \$75,000

**TOTAL TAX DUE (100% FEE CONVEYANCE (add lines 6A and 6B)**

**SECTION 7**

**7. TRUST TRANSFER TAX (LESS THAN 100% FEE CONVEYANCE)**

7A \$225,000 less Line 4

7B .02 X Line 7A

amount.....

.....  
**7C .04 X (Line 5 amount less Line 7A amount)**.....

.....  
**TOTAL TAX DUE (add lines 7B and 7C)**.....

\_\_\_\_\_  
**Signature(s) of Buyer(s)\*      Printed Name**

**\*(If signed by representative through Power of Attorney, attach copy of Power of Attorney.)**

**CODE: White – Treasurer      Yellow - Clerk**  
**Green- Trust              Pink - Buyer**  
**Gold - Assessor**

**End page 1 printing, begin back-side of form**

**No.** \_\_\_\_\_

**Date** \_\_\_\_\_

**THE LITTLE COMPTON AGRICULTURAL CONSERVANCY TRUST  
EXAMPLE CALCULATIONS**

**Example 1**

**Example 2**

**Example 3**

**SECTIONS 1 - 5**

**1. PARCEL INVOLVED: (Plat # / Lot#) Plat #12 /Lot #4 Plat #12/**

**Lot # 5 Plat# 12/ Lot#6**

**2. TOTAL PURCHASE PRICE 150,000.00\_**

**400,000.00\_\_\_\_\_ 700,000.00\_\_\_\_\_**

**3. PERCENTAGE OF FEE CONVEYED... \_\_\_100%\_\_**

**\_\_\_100%\_\_\_\_\_ 50%\_\_\_\_\_**

**4. EXEMPTION (LINE 3 X \$150,000.00)..... \_150,000.00**

**\_150,000.00\_\_\_\_\_ 75,000.00\_\_\_\_\_**

**5. TAXABLE PROCEEDS (Line 2 – Line 4)..... \_\_\_0\_\_\_\_\_**

**\_250,000.00\_\_\_\_\_ 625,000.00\_\_\_\_\_**

**SECTION 6**

**6. TRUST TRANSFER TAX (100% FEE CONVEYANCE)**

**6A. .02 X Taxable Proceeds up to \$75,000 (per lot).**

**\_\_\_\_\_0\_\_\_\_\_ 75,000 x .02 = \$1,500.00**

**6B. . 04 X Taxable Proceeds over \$75,000 (per lot).....**

**\_\_\_\_\_0\_\_\_\_\_ 175,000 x.04 =\$7,000.00**

**TOTAL TAX DUE (add lines 6A and 6B) .....\_\_\_\$0\_\_\_\_\_**

**\$8,500.00**

**SECTION 7**

**7. TRUST TRANSFER TAX (LESS THAN 100% FEE CONVEYANCE)**

	7A			\$225,000	less	Line	4	
.....								
			150,000					
		7B		.02	X	Line	7A	
amount.....								
				\$150,000	x.02 =	\$ 3,000.00		
7C	.04	X	(Line	5	amount	less	Line	7A
amount).....								
				\$475,000	x.04 =	\$19,000.00		
TOTAL	TAX	DUE	(add	lines	7B	and		
7C).....								
						\$22,000.00		

CODE: White - Treasurer Yellow – Clerk  
Green - Trust Pink - Buyer  
Gold - Assessor

Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen): To acknowledge that the Town Council and the Police Department are aware of concerns relating to recent activity of dogs on South Shore Beach and Goosewing Beach and to further confirm that the Town Council will continue to work with the Beach Commission to clarify the Town Ordinances concerning this matter.

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen): To place on file a copy of a resolution adopted by the Middletown Town Council concerning a desire to develop a representative model of a regional high school.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To place on file a letter received from the RI Medical Society suggesting a prescription drop box be established at the Little Compton Police Department due to the fact that a drop box has existed at the Police Station for the past eight months.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Mataronas, Mushen): To place on file a copy of a Public Notice concerning the application of The Group To Save Long Pond presently before Coastal Resources Management Council to treat the non-native plant Phragmites.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen): To approve a request to renew the licenses to collect and haul refuse to the Town Transfer Station for two vehicles owned by Manchester and Harrington, Inc. for the ensuing year.**

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

- 1. Letter from Fire Chief advising Captain Amarantes will be in command during the Chief's absence while he attends classes at the National Fire Academy**
- 2. Invitation from Little Compton Round Table an organization made up of participating human service organizations to share ideas and resources to serve the community. Invitation was to an event held July 25th from 5:30 pm to 7:30 pm**
- 3. Letter received from the RI Dept. of Transportation, Planning & Finance Division noting that the proposed Local Roads Program was not included in the CY2014 Budget.**
- 4. A letter of gratitude received from Sue Talbot, President of the Sagkonate Garden Club regarding the installation of cigarette disposal containers and trash/recycling barrels in key locations on the Commons.**
- 5. Copy of a resolution adopted by the Charlestown Town Council supporting the Municipal Road and Bridge Revolving Fund**

**Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Mataronas, Mushen): That the bills be allowed and ordered paid as follows: \$58,937.85**

**Franlart Nurseries - Tree Warden \$3,180.00**  
**Core Business Technologies - Town Hall \$84.00**  
**KTR Maintenance & Supply LLC - Town Hall \$45.17**  
**Poland Springs - Town Hall \$11.21**  
**Poland Springs - Maintenance \$12.18**  
**Allied Waste - Transfer Station \$6,823.69**  
**Nationalgrid - Town Dock \$24.97**  
**Nationalgrid - Street Lights \$14.85**  
**Nationalgrid - Peckham Lot \$29.59**  
**Nationalgrid - 32 Commons \$19.14**  
**Nationalgrid - IOOF \$22.14**  
**Nationalgrid - Town Hall \$182.34**  
**Nationalgrid - Adamsville Street Lights \$35.69**  
**Nationalgrid - Cell Tower \$231.36**  
**M & R Feed Store Inc. - Highway \$84.79**  
**Seekonk Supply Inc. - Highway \$615.30**  
**Seekonk Supply Inc. - Highway \$435.60**  
**Sanmass Inc. - Civic Recreation \$90.95**  
**Sanmass Inc. - Civic Recreation \$224.70**  
**Petro - gasoline \$3,011.79**  
**Paychex of New York LLC - Treasurer \$477.26**  
**MaryJane Harrington - Treasurer \$15.82**  
**Interstate Refrigerant Recovery Inc. - Transfer Station \$287.00**  
**Vision Government Solutions - Assessors \$2,200.00**  
**Vision Government Solutions - Assessors \$1,903.13**

**Fred's Tree & Design Inc. - Harbor Management Funds \$1,000.00**

**Cox Communications - 32 Commons \$29.47**

**Verizon Wireless - Drug Forfeiture \$357.80**

**TRITECH - Drug Forfeiture \$9,445.00**

**Andrea's Police Supply - Drug Forfeiture \$1,154.45**

**RI Police Accreditation Comm - Drug Forfeiture \$2,000.00**

**Rob's Auto Care - Drug Forfeiture \$2,251.23**

**Everlasting Designs - Drug Forfeiture \$85.00**

**Graftek Systems - Drug Forfeiture \$442.40**

**NESPIN - Drug Forfeiture \$50.00**

**Thomas Wood - Drug Forfeiture \$310.00**

**MIDSTATE Battery - Drug Forfeiture \$535.92**

**Vic's Car Wash - Drug Forfeiture \$9.50**

**Rhode Island Attorney General - Drug Forfeiture \$60.00**

**Fall River Police Department - Drug Forfeiture \$800.00**

**Powerphone Inc- Drug Forfeiture \$209.00**

**University of Rhode Island - Drug Forfeiture \$5,200.00 \$22,910.30**

**K.T.R. Maintenance - Police Dept. \$380.77**

**CORE Business Technologies - Police Dept. \$396.00**

**Pitney Bowes - Police Dept. \$145.50**

**Batteries Plus - Police Dept. \$67.68**

**Cox Communication/Internet - Police Dept. \$171.00**

**Cox Communication/Telephone - Police Dept. \$194.87**

**Belmont Springs - Police Dept. \$52.03**

**Sakonnet Veterinary Hospital - Police Dept. \$420.00 \$1,827.85**

**Tiverton Auto Body Inc. - Ambulance Reimb. Fund \$90.00**

**Burns Tools - Ambulance Reimbursement Fund \$44.66**

**Imperial Municipal Partners Inc. - Amb. Reimb. Fund \$46.90**

**Enos Home Oxygen & Medical Supply - Amb. Reimb. Fund \$17.00**

**Rob's Auto Care - Ambulance Reimb. Fund \$80.00**

**Imperial Municipal Partners Inc. - Amb. Reimb. Fund \$279.00**

**Verizon Wireless - Ambulance Reimbursement Fund \$40.01**

**Verizon Wireless - Ambulance Reimbursement Fund \$30.10**

**Somerset Uniform & Supply co Inc. - Ambulance Reimb. Fund \$224.00 \$851.67**

**Somerset Uniform & Supply co Inc. - Fire Dept. \$180.00**

**IAFF Local 3957 - Fire Dept. \$359.99**

**Fire Engineering - Fire Dept. \$29.00**

**KTR Maintenance & Supply LLC - Fire Dept. \$370.00**

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

**Somerset Uniform & Supply co Inc. - Fire Dept. \$229.00**

**Verizon Wireless - Fire Dept. \$66.46 \$1,284.45**

**Tripps Lawn Care Inc. - Almy Cemetery Fund \$184.00**

**Direct Energy - Town Hall \$184.59**

**Direct Energy - Transfer Station \$14.84**

**Direct Energy - Town Dock \$14.77**

**Direct Energy - Adamsville Street Lights \$26.34**

**Direct Energy - IOOF \$11.73**

**Direct Energy - Cell Tower \$237.51**

**Direct Energy - Peckham Lot \$19.76**

**Direct Energy - Street Lights \$3.86**

**Direct Energy - 32 Commons meeting hall \$8.48**

**ACS - Town Clerk \$1,299.00**

**Postmaster - Zoning & Town Clerk \$204.00**

**Vision Government Solutions - Computer \$7,050.00**

**Tyler Technologies - Treasurer \$1,250.00**

**Verizon Wireless - Transfer Station \$30.10**

**Verizon Wireless - Highway \$69.40**

**Verizon Wireless - Maintenance \$63.06**

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

**Motion made by Councilor Appleton, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Mataronas, Mushen): To adjourn at 8:23 PM.**

**Carol A Wordell**

**Town Clerk**