

**Minutes of a Town Council meeting held September 8th, AD 2016 in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI at 7:00 o'clock PM. Councilors present: Charles N. Appleton, Jr., Fred M. Bodington, III, Paul J. Golembeske, Gary S. Mataronas, Robert L. Mushen. Also present: Police Chief A. Marion and Tom Dunn, Town Administrator. Richard S. Humphrey, Town Solicitor arrived at 7:55 PM.**

**Pledge to the Flag.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve, as written the August 18, 2016 Town Council meeting minutes.**

**Announcements:**

- A Moment of Silence was observed for former Police Chief Egbert D. Hawes, Jr. who served the Town of Little Compton and the State of Rhode Island during his career.**
- The LC Village Improvement Society asked if the Council could announce that they are seeking volunteers to serve as officers. Anyone interested should contact the LCVIS directly.**

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

**Golembeske, Mataronas, Mushen): To move New Business #1 and #2 as well as Old Business #3 to this point in the meeting.**

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To accept and concur with the recommendation of the Little Compton Senior Tennis League to propose that the newly renovated tennis courts be named in memory of James A. Wordell.**

**Norman Paasche, President of the Indian Rock Acres Association addressed the council regarding their ongoing concern with a property owner, Dale Hennessy, who has been using his property as a parking lot to allow beach goers to park and walk down to South Shore Beach when the town beach is full. Mr. Paasche was informed that the Zoning Official has issued cease and desist orders throughout the season and as recently as today filed yet another cease and desist which details penalties and fines levied against seven (7) events. The Town is continuing to take action with this matter and will supply a copy of the signed cease and desist letter most recently sent.**

**The Ordinance Review Ad Hoc Committee submitted draft proposals pertaining to a few ordinances for the Council to consider possibly moving forward with a public hearing. The draft was reviewed and discussed. Varied comments were made as follows:**

## **Comments:**

- **Councilor Bodington is not in favor of changing the ordinance at this time. He feels it needs more data gathered before changes should be made.**
- **Councilor Mataronas has been monitoring the sound during events from various areas surrounding both the Vineyard and the Stone House. The highest reading by the town was 55.8 decibel at the Stone House.**
- **Councilor Mushen acknowledges that this is a new process for the town and will need continued monitoring and potential amending as the process continues. He hopes to keep a balance between commercial uses and residential rights**
- **A few residents called for the decibel to be lowered further citing a court case decision for 50 and 55 decibel**
- **Nicole Benjamin, Esq. representing Dionysus Acquisition LLC d/b/a Carolyn's Sakonnet Vineyard gave a comparison of neighboring communities and their decibel levels. They urge the Council to review these copies.**
- **Mike Steers feels the court case mentioned clearly allows for protection of peace and tranquility of property and the advocates for lower decibel levels.**
- **Some asked that the measurement be at the source rather than at the complainants property**
- **Difficult to get accurate measurements, some say that when complaint is called in it is one level, by the time the police arrive it is a lower level**

- **Someone suggested that an officer or a designated individual be stationed to sit at an adjacent property to take readings during events**
- **One resident thought the council should ban entertainment completely in residential zones. Councilor Mushen clarified that there are multiple legal businesses, some who have historically had entertainment, which would be harmed should you change the rules now.**
- **Larry Anderson feels this matter is bigger than just simply the noise ordinance problems.**

**After the review the following was voted:**

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Golembeske, Mataronas, Mushen) Councilor Bodington opposed: To schedule a public hearing for the purpose of considering the following proposed ordinance amendment:**

**Delete items in italics, additions in bold italics**

**3-1 Disturbing the Peace.**

**3-1.1 Statement of Public Policy.**

**c. Certain of the noise-producing Noise-producing equipment in this community associated with farming and fishing is essential to the quality of life herein and should be allowed to continue at reasonable**

**levels with moderate regulation; and**

### **3-1.2 Loudness of Sound Producing Equipment; Night Requirements.**

**d. At all hours, in the Residential Zone, the sound produced must not be plainly audible or disturb any neighborhood or person(s) of average sensibilities audible to a person of reasonably sensitive hearing in the accessible area of their occupied properties. In the event of a dispute of sensibility, the sound level must not exceed 55 dB(a) between 7:00 a.m. and 9:00 p.m. 50 dB(a) between 9:00 p.m. and 7:00 a.m.) in the accessible area of their occupied properties.**

**At 7:55 PM Richard S. Humphrey, Town Solicitor arrived.**

**Discussion and review of proposal regarding amending Chapter 6-7 of the Town Code relating to Entertainment License.**

**Varied comments were made as follows:**

- Proposed changes would be applied to both daily event and annual licenses**
- Some concern over addition of definition to include “with doors and windows closed” for indoor, would this become a method to file complaints for each time the door was opened for exiting guests. The Solicitor said the Police Dept. would be able to weed through those types of complaints**
- Councilor Golembeske worried that limiting to no more than 4 hours**

would curtail such events as farmer's markets which generally extend longer than 4 hours. Applicants for those types of Entertainment Licenses could request a waiver for the day, which is within the Council's ability under 6-7.6.

- Councilor Bodington asked why we would consider changing the penalties when we have not even has a violation documented as of yet.

Motion made by Councilor Mataronas, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To schedule a public hearing for the purpose of considering the following proposed ordinance amendment:

Delete items in italics, additions in bold italics

## 6-7 Entertainment License.

### 6-7.1 License Required.

b. The fee for an entertainment license is seventy five (\$75.00) dollars one hundred dollars (\$100) annually, or ten (\$10.00) dollars fifteen dollars (\$15) per event.

### 6-7.2 Definitions.

b. Indoor shall mean within the exterior walls of any durable building

or structure, with doors and windows closed.

c. Outdoor shall mean beyond the exterior walls of any durable building or structure.

### **6-7.3 Application.**

a. The entity seeking an entertainment license must apply in writing, providing the following information as a minimum:

2. Total number of events planned, with days and hours that entertainment will be offered

7. An opinion of the Zoning Official that the proposed activity is compliant with the provisions of Chapter XIV (Zoning)

c. Applications found to be incomplete or erroneous, not in conformance with any applicable zoning certificate, or whose applicant is delinquent in taxes or fines, may be denied by the Town Council after public hearing.

d. Applications which seek to intensify any non-conforming use of property per Chapter XIV must be accompanied by a zoning certificate from the Zoning Official special use permit.

### **6-7.4 Conditions of License.**

a. Outdoor entertainment shall be permissible between the hours of 9:00 a.m. and 9:00 p.m. Its duration shall not exceed four hours.

d. Outdoor entertainment will be strictly limited to a precise area on the premises as described in the application, and as expanded or contracted approved by the Town Council at the hearing of the license.

e. For events expected to host more than one hundred fifty (150)

persons, the licensee shall supply an off-street parking area consistent with Chapter XIV (Zoning), with an adequate number of attendants to supervise orderly handling of traffic and with a detail of police officers or constables as determined necessary by the Chief of Police. The licensee shall pay the Town the prevailing detail rate for all such services.

i. Lighting for the safe ingress and egress of attendees may will be supplied, subject to subsection 14-5.11.e of these ordinances. Such lighting shall be energized only for the duration of the event. It shall be directed downward, inward, away from abutting properties, and below the horizontal plane onto the path or road. It shall be installed no higher than necessary to cast light on the intended surface.

#### **6-7.5 Penalty.**

b. The Town Council acting as the Board of License Commissioners may revoke a license for the calendar year, or suspend it, or reissue it conditionally, or deny an application for a subsequent calendar year, after notification has been given and a duly advertised show cause hearing has been convened by the Town Council acting as the Board of License Commissioners.

#### **6-7.6 Exceptions.**

The Town Council, acting as the Board of License Commissioners, may, at its discretion, waive any requirement of this ordinance upon application with good cause shown, following a public hearing\*. This

**section shall not apply to non-profit, religious, charitable or civic organizations.**

**\* Clerks notation highlited wording in 6-7.6 was highlited in error, should have been bold underlined for an addition, not a deletion this was clarified during the public hearing held on Sept. 22, 2016..**

**The Council reviewed a proposal submitted by the Harbor Commission for amendment to the Mooring Regulations and voted the following:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To schedule a public hearing for the purpose of considering the following proposed ordinance amendment:**

**9-1.11 Mooring Regulations.**

**b. Application Procedures.**

**3. No mooring shall be licensed to any person who is not the owner of the boat for which he or she certifies the intention to use said mooring. Any person holding mooring license shall surrender said license when he or she ceases to have ownership of the boat for which the mooring was licensed and does not**

**(a) Place the named boat on its mooring for a minimum of four (4) weeks between June 1 and October 31 of any given year. A one (1) year absence may be requested in writing, to the Harbor Commission,**

after paying the appropriate mooring fee, in the case of illness, death, being out of the country or other valid reason. Any such request must be received by May 1st for the next summer season absent extraordinary circumstances. If approved, the vacant mooring shall be offered to used by the next person's on the waiting list with a boat of the same or smaller similar size, based on the Harbor Master's judgment, on the waiting list for one (1) season.

8. The Harbor Master, with the review and recommendations of the Harbor Commission, shall approve or deny all new applications in writing, within sixty (60) days of receipt thereof. All renewal applications will be issued or denied in writing no later than June 1 of each year.

c. Transferability. Mooring permits may be transferred to immediate family members of the same or higher priority group as outlined in paragraph d. following.

d. Priority for Mooring Locations. The Harbor Master will maintain a chronological list of all applicants requesting a mooring location and ensure that the Harbor Commission and the Town Clerk receive a copy of the list within one (1) week (seven (7) days) after each time the list is updated. The list should be updated at least once annually by no later than April 15.

Within the space available, providing consideration for safety due to the size of each vessel, requests will be treated on a first come, first serve basis. Moorings will be given out in the order in which someone's name is placed on the waiting list, contingent on a mooring space being available which is the length requested by the

**waiting list individual. The decision will be based on the judgment of the Harbor Master with review and approval by the Harbor Commission. Additionally, when a commercial mooring space becomes available, it is to be given to the next individual seeking a commercial mooring, in order to maintain the commercial to recreational boater ratio. If an individual on the waiting list is given a mooring space and they then request a one (1) year delay before placing their boat on a new mooring, they must place the appropriate size boat on the mooring during the following season.**

**If there is appropriate space a boat length increase request may be granted at the discretion of the Harbor Master with review and approval of the Harbor Commission.**

**When a space assignment is offered to the first individual on the mooring waiting list with a boat of the appropriate size for said space, the individual has the privilege of refusing the space twice and remaining at the top of the mooring waiting list. A third refusal of an open space assignment will result in the individual being removed from the mooring waiting list. until a mooring space acceptable to that individual becomes available. If the individual at the top of the list refuses a mooring assignment, the next person on the list will be offered the available mooring location, and so on. It is the responsibility of individuals on the mooring waiting list to keep their contact information current with the Harbor Master. If contact information is not kept current, the individual may be removed from the mooring waiting list.**

**Councilor Mushen presented a proposal to amend Chapter 18 of the**

**Town Code as follows:**

**Proposed draft for : Chapter 18 – Plat Plans Delete items in italics, additions in bold italics**

**18-1 Deeds filed for Recording.**

**All deeds filed for recording in the Land Evidence Records of the Town shall refer to the current an assessor's plat and lot number. If a change, approved by the Plan Commission is made in the size and/or shape of a lot of record, a new the deed shall be prepared reflecting the change and accompany ied by a the plat plan to be recorded approved by the Plan Commission and, after review and signature by the Chairman the new deed and plan approval, will be filed in Town Records with the Office of the Town Clerk.**

**Mike Steers, Chair of the Planning Board stated that he wished to see this amendment considered for public hearing. The Town Clerk expressed concern over a requirement to have a resident draft and record a new deed for every Administrative Subdivision approval if there are no changes in ownership of the property. Historically people would draft new deeds when they prepared to transfer the title. Some mentioned a past problem with a recording where someone took too much of an exemption on the LC Agricultural Conservancy Trust Tax during a transfer as the basis for this proposal. The Town Clerk noted that a requirement for a new deed would not have prevented that inappropriate filing of the LCACT.**

**Councilor Golembeske asked how much extra this may entail. The recording fee alone would be a figure around \$84 - \$90, the cost to hire a lawyer to draft the new deed(s) could be in somewhere in**

**excess of \$500 per deed. Some advocated that the property owner will save money in the long run because they will no longer be taxed as multiple buildable lots, assuming that is the scenario before the planning board. As this matter seemed to have varied opinions on the action at hand the following was voted:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To table consideration of a proposal to amend Chapter 18 of the Little Compton Town Code until a future set of ordinance proposals are submitted for consideration.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Fire, Maintenance, and Police Department Head Reports for August 2016.**

**Walter Elwell of the Little Compton Grange supplied the Council with a list of names of current or former residents of the Town of Little Compton who entered the military service while a resident and were part of a war or conflict. Mr. Elwell provided a folder complete with the documentation he secured regarding the list of names submitted. He also suggested the town return to an old practice of appointing a lamp lighter as he wishes to see the flag flown on Pike's Peak lit.**

**Richard S. Humphrey, Town Solicitor left the chambers at 8:42 pm returning at 8:44 pm.**

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

and Mushen to work together to develop a plan for the addition of names to the existing plaque(s) on the War Memorial on Pikes Peak. Jason Burchard, Tree Warden reported that there are many dead trees or tree limbs on town roads. Nationalgrid is working in parallel with the town to remove the dead trees. Nationalgrid should be working in town through December. The Solicitor informed the Council that the Tree Warden supplied a report, but would await direction from the Council or DPW Director before taking action based on the Kinder decision.

Residents will be asked to keep safety in mind as they scavenge the wood after it has been cut down. Police Details will be conscious of those scavenging.

Councilor Mushen noted that the search for a new Building Official/Zoning Officer has resulted in parties that are interested, but not qualified. One applicant who was qualified accepted a position in Warren, which had a higher salary and was full time. Applications will continue to be accepted. No actions taken on this matter.

At 9:02 PM the Town Council sitting as the Board of License Commissioners voted the following:

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

To ratify the actions of the Council President in the granting of a Class F one day Beverage License to the Westport Fisherman's Association for a clambake to be held on September 11, 2016 at the LC Game Club facility on John Dyer Rd.

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Mataronas, Mushen) Councilor Golembeske abstained from voting: To grant a Class F-1 one day Beverage License to the LC Game Club for a clambake to be held on September 18, 2016 at the John Dyer Road facility.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Golembeske, Mataronas, Mushen) Councilor Bodington abstained from voting: To grant a license to haul refuse to David Elwell for a vehicle which exceeds a GVW of 4,000 lbs, reg. #47722 for a license period which expires June 30, 2017.**

**Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a letter from Christine W. Parks concerning her real estate tax increase as the Board of Tax Assessors are currently handling this matter.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid as follows: \$44,126.12**

**Verizon - Wastewater Treatment Facility \$53.82**

**Home Depot - Maintenance - Transfer Station \$81.78**

**Cox Communications - 32 Commons \$34.21**

**Cox Comm. - Computer \$105.34**

**Cox Comm. - Town Hall Depts. \$247.67**

**The Trust - Insurance \$115.31**

**The Trust - Insurance \$1,250.00**

**EastBay Newspapers - Canvassers - Town Clerk \$94.50**

**Nationalgrid - Street Lights \$49.64**

**Nationalgrid - Street Lights Town Dock \$30.98**

**Richard S Humphrey - Zoning matter \$2,558.00**

**Helgers South Coast Power Equipment - Maintenance \$73.98**

**Belmont Springs - Town Hall - Maintenance - Transfer Station \$39.69**

**Cindy Sheldon - Tree Committee \$175.00**

**Postmaster - Treasurer \$188.00**

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

**Paychex of New York LLC - Treasurer \$410.57**

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

**Paychex - Treasurer \$565.00**

**Messenger Security Systems Inc. - Maintenance \$65.00**

**Messenger Security Systems Inc. - Town Hall \$105.00**

**Messenger Security Systems Inc. - 32 Commons \$65.00**

**Little Compton School Dept. - Gym Comm. \$415.73**

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

**Petro - Diesel \$777.67**

**Petro - Gasoline \$1,281.17**

**Petro - Gasoline \$1,143.85**

**Vision Government Solutions - Assessors \$2,618.17**

**LogIn/IACP Net - Drug Forfeiture \$525.00**

**IPMA-HR - Drug Forfeiture \$365.00**

**Verizon - Drug Forfeiture \$281.09 \$1,171.09**

**Rob's Auto Care Inc. - Police Dept. \$194.95**

**Vic's Car Washes - Police Dept. \$19.00**

**Thomas Wood - Police Dept. \$680.00**

**Belmont Springs - Police Dept. \$42.60**

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

**Cox Communications Police Dept. \$196.97**

**Cox Communications - Police Dept. \$71.99**

**Sakonnet Veterinary Hospital - Police Dept. \$450.00 \$1,820.51**

**United Site Services - Transfer Station \$115.00**

**E&J Tripp Lawn Care Inc. - Cemetery Fund \$138.00**

**EastBay Newspapers - MEDS Funds (CodeRed) \$252.00**

**Pauls Press - MEDS Funds (CodeRed) \$26.00**

**Rob's Auto Care Inc. - Amb. Reimb. Fund \$850.72**

**Rob's Auto Care Inc. - Amb. Reimb. Fund \$1,369.69**

**Batteries & Bulbs - Amb. Reimb. Fund \$149.95**

**S&W Healthcare Cor. - Amb. Reimb. Fund \$218.32**

**Specialty Vehicles Inc. - Amb. Reimb. Fund \$103.81**

**Southcoast Hospitals Group - Amb. Reimb. Fund \$2.64**

**Southcoast Hospitals Group - Amb. Reimb. Fund \$1.59**

**Goulart Petroleum Inc - Amb. Reimb. Fund \$95.72**

**Northern Equipment Distributors - Amb. Reimb. Fund \$215.00 \$3,007.44**

**Direct Energy - Street Lights \$18.00**

**Direct Energy - Lights @ Town Dock \$5.45**

**Massachusetts Municipal Assoc. - Building Official \$160.00**

**Nationalgrid - Public Safety Complex \$787.04**

**Nationalgrid - Transfer Station \$56.59**

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

**Verizon - Transfer Station \$31.48**

**Verizon - Building Official \$59.05**

**Verizon - Maintenance Dept. \$30.10**

**Verizon - Maintenance Dept. \$32.96**

**Leonard Bronitsky - Highway \$425.00**

**C & L Water Transport - Highway \$725.00**

**AllMetals Welding - Transfer Station \$600.00**

**Dave Venancio - Inspectors \$390.00**

**Detail Officers (listed on invoice) - Highway \$1,640.88**

**Detail Officers (listed on invoice) - Highway \$2,370.16**

**William L Moore - Building Official \$2,000.00**

**Scituate Concrete Pipe - Highway \$1,036.91**

**William L Moore - Civic Rec. \$25.76**

**McGeough's Turf Management - Civic Rec. \$486.00**

**McGeough's Turf Management - Civic Rec. \$375.00**

**McGeough's Turf Management - Civic Rec. \$390.00**

**Valcourt Heating Inc - Public Safety Complex \$102.00**

**Wilkie Excavating Inc. - Highway \$2,680.00**

**David Sisson Contracting - Highway \$7,459.00**

**Tiverton Materials - Highway \$101.21**

**Carol A Wordell - Canvassers \$78.41**

**W.E. Jackson & Co. - Assessors - Clerk \$286.00**

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

**Golembeske, Mataronas, Mushen): To adjourn at 9:04 PM.**

**Carol A Wordell, Town Clerk**