

4373

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Date: 4/18/2013 11:56:55 AM

Subject: Town of New Shoreham Docket 4373 responses to Commission Data Request #1

Luly:

Attached for filing are the Town of New Shoreham's Docket 4373 responses to Commission's data requests. No hard copies will be sent unless requested.

Nancy O. Dodge

Town Manager

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Block Island, RI 02807

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New Shoreham Town Council Agenda
Old Harbor Meadows Community Center
Chapel Street, Block Island
Monday, November 5, 2012
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Council members Richard P. Martin, Kenneth C. Lacoste and Peter B. Baute. Also present were Town Manager Nancy Dodge and Town Attorney Donald Packer. Town Clerk Fiona Fitzpatrick recorded the minutes of the meeting.

First Warden Gaffett called the meeting to order at 7:00 p.m.

Warden's Report

First Warden Gaffett reminded everyone the election is tomorrow, polls are open at Town Hall from 9:00 a.m. to 8:00 p.m.

Town Manager Dodge reported on the damage and response to Hurricane Sandy, which hit the Island Monday, October 29. The severe erosion damaged the beach pavilion, Old Harbor docks, Corn Neck Road and Spring Street. Both are state roads. The initial state response has been excellent. The Department of Transportation (DOT) called first thing Tuesday morning, and three engineers were assessing the roads by Tuesday afternoon. DOT held a meeting Wednesday that included Coastal Resources Management Council, Historic Preservation, and Department of Environmental Management. Permits are in place for the permanent repair of both roads, the DOT sent out bids for the work on Friday morning, the bids are due back Wednesday. The DOT intends to award the bid and have the work done by December 16 with a 6 day per week, 8 hour per day work requirement. The repair to Corn Neck Road will include a substantial shoulder. The repairs will use a tremendous amount of material and may require a barge in addition to Interstate's ferries. With regard to the damage in Old Harbor, the Army Corps has been out to look at the East Dock and breakwater. They will repair both in the spring, the delay is due to their disaster appropriations process. FEMA has been to the Island. The Town has been in contact with its insurer. There was damage to the beach pavilion, the Coast Guard Station a cracked solar panel at the North Light and the bait dock is gone.

Public Input

Those present spoke with appreciation for the Town Manager, Road Crew, the Rescue Squad, Fire Department and Block Island Power Company.

1. Public Hearing re: Proposed Amendment to TNS Revised Ordinances Chapter 17 Taxation and Finance, Section 17-36 "Abatement formula and rules and regulations for filing and approval"

First Warden Gaffett opened the public hearing at 7:10. The Town has a program to grant tax abatements to certain elderly or disabled taxpayers. The Senior Advisory Committee formally requested the Town Council to increase the eligibility threshold for household income from \$30,000 to \$40,000. The other terms of the abatement program remain unchanged and the actual abatement is the same: not to exceed \$600 per year. Finance Director Amy Land said six taxpayers currently take advantage of the abatement, it is impossible to know how many more will enroll if the amendment is passed, the \$600 maximum abatement makes it insignificant to the overall tax base. Members of the Senior Advisory Committee who were present spoke in favor of the amendment; no one spoke against it.

At 7:15, Dr. Baute moved to close the public hearing and approve the amendment as presented. Motion seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

2. Public Hearing re: Proposed Amendment to TNS Revised Ordinances Chapter 10 Section 10-16 "Hunting, taking of game and discharge of firearms"

First Warden Gaffett opened the public hearing at 7:15. She said initial proposal came from Chris Blanc. The Town now selects deer and pheasant hunting days and also determines what classes of weapons will be allowed. The change would prevent any overlap of firearms and bow

hunting. Letters and emails were received. Letters were received from Chris Blane and James Manni in favor of the change for safety. The Deer Task Force did not provide an advisory opinion, a letter from Mary Sue Record on the topic was read into the record. Emails opposing the change were received from Ruth Perfido, Sara McGinnes, William Willis, Jeanne Schlesinger, Robert Agricola and Heidi Holevoer. Kevin Hassey sent an email asking for a fast reduction in the deer herd. Rebecca Ballard and George Mellor were present and spoke against the proposed ordinance change.

A discussion ensued. Most people opposed to the ordinance said they thought the change would limit hunting and slow the reduction of the deer herd.

- The Police Chief has gone on record supporting the ordinance because his staff recommends it for safety.
- In support, state conservation officers are almost never on the Island and the Island's many houses and small parcels are not conducive to safe intensive hunting so the Town should take extra precautions to keep hunting safe.
- In support, the allegation that bow hunters do not wear the proscribed amount of blaze orange and they are at risk of being shot when they stalk deer during shotgun season. Bow hunters present in the audience said they follow the law and wear enough orange.
- In opposition, more land would be hunted if archery and shotgun season was concurrent because some land around the Island's many houses is appropriate for bow hunting and not shotgun hunting. A longer bow hunting season would allow more deer to be taken from those areas.
- Landowners decide what weapons to allow hunters to use on their property. Permission is countersigned by the Chief of Police.
- More deer are killed by shotgun hunting than by bow and arrows.
- The amendment says "...no overlapping of seasons for firearms and bow hunting." The intention may have been to allow muzzleloaders to be used during archery season. Disagreement about whether muzzleloaders are firearms.
- Chris Blane said there would be no need for the amendment if bowhunters would wear the appropriate amount of orange during shotgun season.
- Doug Michel asked that owners post property being hunted.
- Councilor Baute said DEM reports no human archery injuries in 24 years
- Councilor Lacoste said if the amendment does not pass, it will not change the deer hunting days. State law appears to allow archery and muzzleloaders during the shotgun season.

At 8:05, Councilor Baute moved to close the public hearing and reject the proposed amendment to New Shoreham General Ordinances Chapter 10, Section 16. Motion was seconded by Mr. Torrey.

Ayes: 4 (Gaffett, Torrey, Baute, Lacoste) Oppose: 1 (Martin)

Mr. Martin said he is in favor of the amendment because it has the endorsement of the Chief of Police for safety reasons.

3. Public Hearing Re: Proposed Amendment to TNS Revised Ordinances Chapter 8 Licenses and Business Regulations, Article II "Amusements" Sections 8-16 through 8-23

4. Public Hearing re: Proposed Amendment to TNS Zoning Ordinance Game Rooms, Gaming Devices: a new Section 516 "Gaming Devices" and amendments to Sections 111 "General Prohibitions," Section 202 "Definitions," Section 311 "Old Harbor Commercial Zone (OHC Zone)," Section 312 "New Harbor Commercial Zone (NHC Zone)," and Section 313 "Service Commercial Zone (SC Zone)."

At 8:05 First Warden Gaffett opened a joint public hearing on the New Shoreham game license ordinance amendments advertised for consideration: General Ordinances 8-16 through 8-23 and Zoning Sections 516, 111, 202, 311, 312 and 313.

A favorable advisory opinion was received from the Planning Board. The Town's Attorney for land use Donald Packer and Planning Board Chair Margie Comings were present. Also present were Attorney Robert Goldberg representing Champlin's Marina and Attorney Elliot Taubman.

Attorney Packer said an examination of the ordinance found the term “video game parlors” is not defined under state law. The Zoning amendment would allow “game rooms” as a permitted use with standards in the Old Harbor Commercial, New Harbor Commercial, and Service Commercial Zones. An amendment to the General Ordinance pertaining to licensing has also drafted. Taken together, the amendments provide for the regulation and licensing amusements.

Discussion ensued. Mr. Taubman circulated an ordinance he drafted. At Mr. Goldberg’s request the Council agreed to lower the age that children may play games without supervision from under 16 years of age to under 12 years of age. At Mr. Goldberg’s request the Council agreed that minors need adult supervision, and not necessarily the presence of a parent or guardian. Prior existing, nonconforming uses would be allowed to continue. Licenses will not be issued unless the games are present during inspection. The fee will be set by the Town Council and periodically reviewed. Licensees will not have to notify the Town if a broken machine is replaced. Games of chance are licensed by the state.

First Warden Gaffett moved to close the public hearing at 8:45 and adopt the amendments to TNS Revised Ordinances Chapter 8 Licenses and Business Regulations, Article II “Amusements” Sections 8-16 through 8-23 and TNS Zoning Ordinance Game Rooms, Gaming Devices: a new Section 516 “Gaming Devices” and amendments to Sections 111 “General Prohibitions,” Section 202 “Definitions,” Section 311 “Old Harbor Commercial Zone (OHC Zone),” Section 312 “New Harbor Commercial Zone (NHC Zone),” and Section 313 “Service Commercial Zone (SC Zone)” with the following changes: Zoning Section 111 definition of “game rooms” add the phrase “*except those regulated and licensed by the State of Rhode Island*”; General Ordinances Section 8-18 (d) strike the phrase “*a different gaming device or table game*”; Section 8-21 change references of 16 years of age to 12 years of age and change the phrase “*unless the minor is accompanied by a parent or guardian*” to “*without adult supervision*”. The motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

5. Public Hearing re: Proposed Amendment to TNS Zoning Ordinance Reduced Setbacks for Small Accessory Buildings in the Residential and Mixed Zones, amendments to Sections 306, 307, 308 and 309

First Warden Kimberley Gaffett opened the public hearing at 8:45. The amendment would reduce the setbacks for small accessory buildings in the residential and mixed use zone. A favorable advisory opinion was received from the Planning Board. The Town’s Attorney for land use Donald Packer and Planning Board Chair Margie Comings were present. Ms. Comings said the Planning Board recommended the change because they found themselves busy with multiple applications for setback variances. The Planning Board decided to limit the size of a shed to 122 square feet because it is big enough to be useful but too small for a car. They did not want to encourage the construction of additional driveways. No comments from the public were offered.

First Warden Kimberley Gaffett moved to close the public hearing at 8:50, and to adopt the amendment as advertised. Motion seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

6. Receive and act on Block Island Land Trust letter re: amendment to Conservation Restriction and Easement for the Ball-O’Brien Property (Plat 19, lot 1, parcel A)

The proposed amendment is attached to these minutes.

Second Warden Torrey moved to adopt and authorize the First Warden to sign the third amendment to the Conservation Restriction and Easement for the Ball-O’Brien Property (Plat 19, lot 1, parcel A) as drafted, seconded by Dr. Baute.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

7. Boards, Committees and Commissions:

- Appointment to New Shoreham Sewer Commission – Alternate
- Appointment to New Shoreham Water Board – Alternate

First Warden Gaffett moved to appoint Alan MacKay to serve out Renwick Tweedy's unexpired term as alternate on the New Shoreham Sewer Commission and on the New Shoreham Water Board, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

• **Receive letter from BIC re: BI Housing Board conservation representative member**

Debbie Howarth has resigned from the Block Island Housing Board. She represented conservation groups. The Block Island Conservancy's recommendation is Rosemary Tobin. It is not known whether the other conservation groups are aware of the vacancy.

Ms. Gaffett moved to accept Debbie Howarth's resignation from the Block Island Housing Board with a letter of thanks, and to contact the local conservation groups to let them know about the opening on the Housing Board. Motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

• **Senior Advisory Committee**

First Warden Gaffett moved to appoint Debbie Martin to fill Marguerite Donnelly's unexpired term on the Senior Advisory Committee, seconded by Second Warden Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

• **Announce current Board, Committee, & Commission opening**

There is an opening on the BI Housing Board for an individual to represent conservation.

8. Receive and Act on Block Island Tourism Council FY12 Financial Statements

The New Shoreham Tourism Council is required to submit their financial statements annually.

First Warden Gaffett moves to accept the Block Island Tourism Council's fiscal year 2012 financial statements, seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

9. Receive and act on TNS Board of Tax Assessors letter re: abatements to the Property Roll

First Warden Kimberley Gaffett moved to abate the property taxes per the recommendation of the Town of New Shoreham Board of Tax Assessors, seconded by Councilor Kenneth Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

10. Set Public Hearing date to amend TNS Zoning Map and General Ordinances Chapter 7 Section 3B to add property on West Side Road at Plat 18, Lot 6-1 to the Historic District at the owner's request

Ms. Gaffett moved to set a public hearing at the interim meeting in January, seconded by Second Warden Torrey

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

11. Correspondence: State Planning Council re: Long Range Transportation Plan Draft; Justin Pedneault re: Manchester, CT Boy Scouts visit to North Light; Deputy Town Clerk re: notice of public hearing for Peckham, Inc. Expansion of Liquor Service Area; Deputy Town Clerk re: notice of public hearing for ULBE, Inc. & Peckham, Inc. new Outdoor Entertainment License

No comment was needed or taken regarding the correspondence.

12. Minutes: April 16, 2012, August 29, 2012, October 17, 2012 (4:00 and 7:00)

Mr. Martin moved to approve the minutes, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

13. Review upcoming Town Council meeting schedule
The Council will meet November 14 and November 19, 2012.

At 9:15 a motion to adjourn was made and seconded.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Minutes approved November 14, 2012

Fiona Fitzpatrick
Town Clerk

New Shoreham Town Council Agenda
Town Hall, Old Town Road, Block Island
Wednesday, December 5, 2012
1:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Kenneth C. Lacoste and Town Councilor Sean J. McGarry, Town Councilor F. Norris Pike and Town Councilor Christopher G. Warfel. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Gaffett called the work session to order at 1:10.

Orientation of New Town Council

A wide-ranging discussion took place to welcome and orient the new members of the Town Council.

Finance Director Amy Land presented the Finance Report for the month of November, 2012

- Discussion of state and local auto tax exemptions
- Full revaluation is being done this year.
- Some income lines (Harbors, Town Beach) are weather dependant
- Hurricane relief: FEMA does not pay for anything underground; pump station failure will be discussed between FEMA and Jim Geremia; insurance will pay for pumps burned up in Hurricane Sandy infiltration
- Town Clerk will supply a breakdown of state and town license fees
- Discussion of debt service
- Discussion of bonding the capital budget or capital budget items. Very generally, expenses over \$5,000 with a five year life may be considered capital expenses. Bonding will requires representation of the feasibility, the dollar amount, and the timetable.
- Town Manager discussed capital budget process and calendar deadlines

Town Manager Dodge spoke about an application of the Spring House. Any construction within their decided construction easement must have approval of the Town. The Historic District Commission has approved a plan to create housing in the barn. Town Council agreed no further Town approval is needed in this case, the HDC approval is sufficient.

- Email issues: does the Town Council have email accounts through the Town? Not at present.
- Wifi: can the meeting room be configured with wireless internet access so Council members may access the internet?
- Keys and codes will be distributed by Shirlyne Goben when she returns
- Travel policy was asked about
- Champlin's hearing has been rescheduled for Thursday, January 17 from 12:00 to 5:00 at Narragansett Town Hall
- BIPCo filing and Interstate filings are available in the Clerk's Office
- EUTG meeting next Friday at 10:30, they will be working on comment for the ACOE and CRMC regarding Deepwater application. Reports are available in the Clerk's Office.
- Employees contract and Police contract negotiations will begin in January; the management team usually includes a Council member or two. Norris Pike and Sean McGarry volunteered to serve. Nancy Dodge will supply copies of existing contracts. by team by January, NOD will supply copies of existing contracts; negotiating team Norris and Sean;
- Northern Construction will be paving next week on Spring Street and Corn Neck Road, wooden guard rails are being put up. They have agreed to do the work at Sachem Pond and with wooden rails; they will be pave Ocean Avenue from the sewer leak to Bridge Gate Square. Questions about the amount of rip rap on the south part of the Corn Neck Road washout.
- The Beach Pavilion group and Newport Collaborative will provide fresh plans and prices for the beach house in January prior to the close of the budget process
- The first managed hunt of Rodman's Hollow will be in January. Hunters were selected by lottery, the state has agreed to provide conservation officers at least 50% of the time, the town will provide housing if needed.

- The fiber optic specs of the cable were discussed briefly: OSEAN targets municipal, medical and police users; the town would prefer an island-wide campus available to the public; need to talk to Verizon about what their plan may be; Town Manager welcomes names and suggestions for experts in the field
- Town Manager's contract is up this month, Council will discuss in January and contract will continue until it is resolved.

At 4:40 a motion was made by Mr. Pike to adjourn, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved: December 18, 2012

Fiona Fitzpatrick
Town Clerk

New Shoreham Town Council Meeting
Town Hall, Old Town Road
Monday, December 10, 2012
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Council members Sean J. McGarry and F. Norris Pike. Also present were Town Manager Nancy Dodge and for the recording of minutes, Deputy Town Clerk Millicent McGinnes. Town Council member Christopher G. Warfel was absent.

First Warden Gaffett called the meeting to order at 7:09 p.m.

1. Town Council orientation continues

The following meeting schedule was reviewed:

- December 12, 2012 @ 4:00 meet with Block Island Health Services Board
- December 14, 2012 @ noon meet with Electric Utility Task Group
- December 17, 2012 @ 7:00 meeting with Block Island School Committee
- December 18, 2012 @ 6:00 Interim Town Council meeting
- January 2, 2013 Town Council work session
- January 7, 2013 Town Council regular monthly meeting
- January 9, 2013 @ 4:00 meet with Planning Board and Housing Board

Ms. Gaffett explained that Town Council representatives are needed to serve in the following capacities: Labor negotiations representative; Washington County Regional Planning Council (WCRPC) representative and Block Island Health Services representative. Mr. Lacoste stated he was willing to serve as the representative for labor negotiations. Mr. McGarry stated that he would be willing to serve as the WCRPC representative. It was noted that Mr. Warfel may also have interest and perhaps the duties can be shared.

Town Manager Dodge reported the following:

- The DEM is advertising the dredge permit for the Deep Water Wind project. They are accepting protests in writing.
- BPCO has a filing in front of the Division of Public Utilities regarding financing the purchase of a generator. This will be discussed further at the January work session.
- The litigation regarding the triangle property in Old Harbor will be discussed at the January work session.
- The Champlin's Marina case involves Champlin's making their case that Payne's Dock was treated differently than Champlin's during their respective CRMC hearings and decisions.
- The Town will be applying for funding from FEMA and the Town's insurance company for cleanup and restoration associated with Hurricane Sandy. USDA funds may also be available.
- The debris in the Town Beach parking lot will be cleared in time for the Polar Plunge January 1st.
- Sewer employees Christian Freund and Dylan Chase both passed the Class 2 Wastewater Operators exam.
- Interstate Navigation has submitted a rate filing to the PUC. Primarily they are asking to eliminate the commuter rate, lower the car rate, and increase the freight rates by 65%. Richard LaCapra will review the filing.
- The Old Harbor Task Group is looking at the Town property across from the National Hotel (Pole Harbor Park) to identify needed projects and potential uses. She noted that the current practice has been simple is better.
- The Thomas and Falkner properties can be examined in the future to determine their best uses.

Council member McGarry reviewed the following items, noting that he felt they were important items to address promptly:

- Find incentives to help increase the enrollment in the Fire Department and the Rescue Squad.

- Make a proactive plan with the Deer Task Force to move to total elimination of the deer herd.
- Pursue a stand-alone power cable to the mainland and immediately invest in a feasibility analysis for such. (It was noted that the Electric Utility Task Group has a feasibility study. Mr. McGarry expressed his concern over the credibility of the study, stating a new one should be completed. Discussion ensued.)

A potential facility tour was discussed.

Discussion ensued regarding the refurbishment and maintenance of dunes and dune pathways, as well as the condition of West Beach.

With no further business to discuss, Mr. Lacoste made a motion to adjourn at 8:48 p.m. The motion was seconded by Ms. Gaffett and carried.

Millicent McGinnes, CMC
Deputy Town Clerk

Submitted: December 12, 2012

Approved: December 18, 2012

New Shoreham Town Council Meeting
Town Hall, Old Town Road
Tuesday, December 18, 2012
6:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Council members Sean J. McGarry, Christopher G. Warfel and F. Norris Pike. Also present were Town Manager Nancy Dodge and for the recording of minutes, Deputy Town Clerk Millicent McGinnes.

First Warden Gaffett called the meeting to order at 6:00 p.m.

Warden's Report

First Warden Gaffett reported the following:

- Heating assistance is available through South County Community Action. Informational pamphlets are available at Town Hall.
- There is an Open Government summit to be held on January 8, 2013 at the Community College of Rhode Island in Lincoln.

Public Input

From the audience the following people spoke expressing the noted:

- Margie Comings stated that she was opposed to the Interstate Navigation rate filing, as it eliminates the commuter fare and reduces the car fare, which will bring more cars to the overloaded island. She asked that the Council intervene and work with Interstate to find an equitable resolution. First Warden Gaffett explained that the Town will be intervening; Energy Consultant Richard LaCapra will be working on the Town's behalf; and the issue will be addressed at the January 7th Council meeting. The PUC will be holding a meeting on December 27, 2012 to schedule hearings regarding the filing.
- Linda Spak reiterated the feelings of Margie Comings, noting that the freight rates are also going up, which will impact everyone.
- Bryan Wilson stated that the restoration of the road system following the damage of Hurricane Sandy was extraordinary, both with the speed and quality of the work.
- Peter Wood questioned if guardrails will be added to berm along the Corn Neck Road restoration area. It was noted that it would be berm only.
- Jay Penny questioned how to get on the Council agenda to address a Wastewater Management issue. He was instructed to check with the Town Manager's or Town Clerk's Office.

1. Discuss and act on Town of New Shoreham public comments re: Deepwater Wind applications pending at the ACOE (due by 12/31/12); CRMC (due by 1/15/13); and DEM (due by 2/1/13)

First Warden Gaffett explained that Deepwater Wind has applications in to the Army Corps of Engineers, the Coastal Resources Management Council and the RI Department of Environmental Management for the Block Island wind farm. She noted that it is the goal of the Council to develop comments to forward to the agencies regarding the application. She further noted that letters have been received from Deb Lukeris, Scott Shimomura, Rosemarie Ives, Jonathan Ives, Greg Ives, Tom and Arlene Engle, Mike Hickey, David Lewis and Edith Blane in opposition to the wind farm. Two letters were received in support of the wind farm: one from Elspeth Crawford prior to the meeting and one from William Penn at the meeting. Mr. McGarry stated he had received a letter from the Paynes of 996 Corn Neck Road also in opposition. He further stated that points in the letters should be part of the discussion.

Ms. Gaffett stated that the Council has received analysis from the Electric Utility Task Group (EUTG) titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System, LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012 regarding economic and environmental impacts of the project. She read the report allowed.

Mr. McGarry expressed the following concerns:

- The makeup of the EUTG does not represent a cross-section of Block Island.
- The EUTG has supported the project from the beginning.
- The report did not look at any negatives associated with the project.

- The report's environmental assessment did not include fuel burned for backup power generation.
- The island-wide surveys conducted regarding the wind farm project have been subjective.

Mr. Warfel also expressed concern, stating that alternatives to the wind farm have not been backed legislatively or financially by the Town and that there is an inherent mismatch between peak production times for the wind turbines and peak consumer usage times. He also stated that the EUTG document should include risk analysis.

EUTG Chair Barbara MacMullen was present and stated that the EUTG's support of the project was based on the economics of the project and the environmental benefits. She further stated that the report's environmental analysis did include backup power generation. She also noted that the Block Island Land Trust included questions regarding the Deepwater project on their survey which is conducted by a professional outside firm, and the results were 63% in favor to 37% opposed. Mr. Warfel stated that he thought the survey was not professional.

Mr. Pike stated that he was a firm supporter of the project. Ms. Gaffett concurred. Mr. Pike also noted that the Planning Board responded favorably to the project.

Heated discussion ensued.

From the audience the following people spoke in support of the Deepwater project: Rob Gilpin, Peter Wood, Peter Baute, Judy Gray, John Spier, Maggie Komosinski, Barry Saxe and Jan Emsbo.

Mr. McGarry moved to not include, in its present form, the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012, with the submittals to the Army Corps of Engineers re: the Deepwater Wind application. Mr. Warfel seconded.

Mr. Pike moved to call for the vote. Mr. Warfel seconded the motion and it carried.

5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry) 0 Nays

The motion on the floor:

To not include, in its present form, the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012, with the submittals to the Army Corps of Engineers re: the Deepwater Wind application, did not carry.

2 Ayes (Warfel, McGarry) 3 Nays (Gaffett, Lacoste, Pike)

Mike Hickey's letter dated 12/17/12 was read into the record which was regarding the potential reduction of property values due to view-shed, which may displace the tax burden to other property owners. It was noted that three studies (Hinman, Berkeley National Laboratory #1 and Berkeley National Laboratory #2) had been submitted that offer no evidence that property values are affected by such. Discussion ensued.

Mr. McGarry addressed additional concerns regarding the effects of the Deepwater project:

- Property values may decrease.
- Tourism may decrease.
- Flicker may be a health issue.
- The farm may be enlarged at a future date to expand around the island.

Second Warden Lacoste spoke at length, giving a historical view of island-wide changes. He completed his historical tour with the wind farm, giving the project a historical perspective.

Mr. Pike made a motion to include the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Army Corps of Engineers Request for Public Comment" dated 12/18/2012 with the submittals to the Army Corps of Engineers re: the Deepwater Wind application. Mr. Lacoste seconded and the motion carried.

3 Ayes (Gaffett, Lacoste, Pike)

2 Nays (Warfel, McGarry)

Mr. Warfel suggested a minority opinion be submitted along with the submittals. Mr. McGarry concurred.

Following discussion, Ms. Gaffett moved to add the following to the submittals to the Army Corps of Engineers re: the Deepwater Wind application:

- A request that the Army Corps schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the Army Corps require substantive, on-going biological assessments during and post construction.
- A request that the Army Corps access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.

The motion was seconded by Mr. Pike.

Mr. Warfel expressed his concern that the financial costs of maintenance and replacement of the proposed cable from the island to the mainland does not fall on Block Island.

Mr. Warfel moved amend the motion on the floor to add the following:

- Request that the Army Corps examine the long-term impact of replacement costs of the cable in the future, to ensure Block Island is not economically disadvantaged.

The motion was seconded by Ms. Gaffett and carried.

5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry) 0 Nays

The Council took a five minute recess at 9:02 p.m.

The amended motion on the floor carried as follows:

To add the following to the submittals to the Army Corps of Engineers re: the Deepwater Wind application:

- A request that the Army Corps schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the Army Corps require substantive, on-going biological assessments during and post construction.
- A request that the Army Corps access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.
- Request that the Army Corps examine the long-term impact of replacement costs of the cable in the future, to ensure Block Island is not economically disadvantaged.

4 Ayes (Gaffett, Lacoste, Pike, Warfel) 1 Nays (McGarry)

Discussion ensued regarding the comment submittals to the Coastal Resource Management Council. Mr. McGarry objected to the addressing the CRMC comments and stated they should be addressed at an additional meeting. Ms. Gaffett noted that the agenda called for addressing the comments to the Army Corps, the CRMC and RI DEM.

Ms. Gaffett moved to include the Electric Utility Task Group's report titled "Deepwater Wind Block Island and Deepwater Wind Block Island Transmission System LLC Coastal Resources Management Council Request for Public Water" dated 12/18/2012 with the submittals to Rhode Island Coastal Resources Management Council re: the Deepwater Wind application and to also include the following:

- A request that the CRMC schedule any public hearings regarding the application on Block Island, and if possible, coincide with an on-island Coastal Resources Management Council hearing.
- A request that the CRMC require substantive, on-going biological assessments during and post construction.
- A request that the CRMC access what, if any, impact the turbines will have on Block Island property values and the island's tourism economy.
- Request that the CRMC examine the long-term impact of replacement costs of the cable in the future to ensure Block Island is not economically disadvantaged.

4 Ayes (Gaffett, Lacoste, Pike, Warfel) 1 Nays (McGarry)

Mr. McGarry asked that all of his objections regarding the Army Corps application be reiterated in the minutes with regard to the CRMC application. Those objections are following:

- The makeup of the EUTG does not represent a cross-section of Block Island.
- The EUTG has supported the project from the beginning.
- The report did not look at any negatives associated with the project.
- The report's environmental assessment did not include fuel burned for backup power generation.
- The island-wide surveys conducted regarding the wind farm project have been subjective.
- Property values may decrease.
- Tourism may decrease.
- Flicker may be a health issue.
- The farm may be enlarged at a future date to expand around the island.

Ms. Gaffett stated that the DEM was only looking for comment with regards to laws that may be violated, as it relates to project dredging and water quality. She noted that there was no comment necessary.

2. Act on annual TNS commercial shellfish licenses

Mr. Warfel recused himself, as he is in the shellfishing business.

Mr. Lacoste moved to renew New Shoreham Commercial Shellfish Licenses for Joseph Fallon, Jon Grant, Eric Gustafson, Frederick Howarth, Christopher Littlefield, Doug Michel, Michael Swanson and John Swienton, and to renew the non-resident license for James Nelson for 2013, pursuant to the recommendation from the Shellfish Commission and pending receipt of licensing fees, all applicable documents per state law and town ordinances, and a copy of the licensee's 2013 Rhode Island multipurpose shellfish license. Mr. Pike seconded and the motion carried.

4 Ayes (Gaffett, Lacoste, Pike, McGarry) 0 Nays 1 Recused (Warfel)

3. Act on Minutes: December 3, 2012 (4p.m.); December 3, 2012 – open and closed; December 5, 2012; December 10, 2012

Town Manager Dodge asked that the December 3, 2012 (4:00 p.m.) minutes be held over to allow her to review their content with the Finance Director.

Ms. Gaffett moved to approve the minutes of December 3, 2012 (7:00 p.m.) – open and closed, December 5, 2012 and December 10, 2012. Mr. Pike seconded the motion and it carried.

5 Ayes (Gaffett, Lacoste, Pike, Warfel, McGarry) 0 Nays

With no further business to discuss, Mr. Lacoste made a motion to adjourn at 9:25 p.m. The motion was seconded by Mr. Pike and carried.

Millicent McGinnes, CMC
Deputy Town Clerk

Submitted: December 26, 2012

Approved: January 7, 2013

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
January 2, 2013
4:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kimberley H. Gaffett called the work session meeting to order at 4:00 p.m.

1. Report of the Town Manager
a. Review background and role of consultants Richard La Capra and Wally MacDonald

Town Manager Dodge circulated Mr. La Capra's resume and discussed the roles that Mr. La Capra, Mr. MacDonald, Everett Shorey and Alan Mandl have taken with the Town. Wally MacDonald is a cable specialist who worked on Vinalhaven electric/data cable and has consulted with the Town with regard to the Deepwater cable. He continues to advise the Town regarding cable issues such as interface with data carriers. Mr. La Capra has consulted with the Town on energy matters for many years. He also negotiated for the Town with Mr. Mandl to create the five-year plan (expiring now) with Interstate Navigation that precluded new rate cases for its duration. Attorney Mandl has been the Town's counsel for RI PUC matters, a narrow specialty in Rhode Island. Everett Shorey has consulted pro bono for the Town regarding regulatory issues with the Block Island Power Company (BIPCo) and Interstate Navigation, frequently in coordination with Mr. La Capra and Mr. Mandl.

This year the Town's attorney Katherine Merolla will be taking a leadership role with PUC regulatory issues including Interstate's new rate case and BIPCo's application for financing. Mr. Mandl will be available to assist and Mr. Shorey is also willing to continue his role.

Mr. Shorey and Mr. La Capra will be at the Town Council meeting January 7.

Discussion ensued: Councilor Warfel said the Town has to decide what we want with regard to the regulation of the monopolies. It was noted that the PUC represents the public and they see the Town and its residents as small parts of that constituency. However Interstate provides a lifeline for residents quite different from their services for mainland visitors.

Interstate Navigation representing the Block Island Express sent a \$25,000 check, Interstate Navigation has not yet remitted landing fees for the year ending December 31.

b. Update of FEMA claims and road repairs

The Town Manager reported that she has been in contact with the RI Department of Transportation and sent photographs to the of the storm damage to the Corn Neck Road repairs in the area in front of the Beachhead restaurant. Repairs to the road from Hurricane Sandy were completed with ocean side riprap and a narrow dune constructed and planted with rugosa roses, but the waves ran over the new berm and onto the street in a subsequent nor'easter. Discussion ensued regarding repairs to Corn Neck Road. The Town Manager will get permission to build up the Corn Neck Road dune or get Northern Construction to return. The Town has permission to use the bait dock dredging spoils to nourish the beach along Corn Neck Road.

Second Warden Lacoste asked for an engineering review of whether building up the town beach has caused wave energy to focus on adjacent beaches. Councilor Pike said he thought the loss of 50 feet of the Army Corps breakwater is a factor. Suggestion to place huge boulders or concrete barriers 30 feet off the beach in the problem area to dissipate the energy of the waves. Suggestion to put large rocks at the base of the rip rap. The CRMC has been studying the effect of sea level rise and may have developed mitigation plans.

An insurance payment of \$99,780 (75%) has been received for replacement of the bait dock, the balance to be paid on completion. Dredging (166 cubic yards) is estimated to cost \$168,000 and needs to be done by January 31 in accordance with CRMC guidelines. The cost will be covered

by the Town's insurer but the funds have not been received yet. The beach pavilion roof will be replaced with a \$40,000 insurance payment.

Spring Street repairs held up but water is running up the bank and pooling on the road; Highways Superintendent Mike Shea and engineer Jim Geremia spoke with the Town Manager who passed along concerns to DOT. A culvert may be needed. Other concerns: erosion under the monument at the beach; erosion under the Ocean Avenue sidewalk close to the culvert to Harbor Pond near Connecticut Avenue.

The Town Manager said Mike Shea reported catch basins are open but there is clogging in the laterals, possibly due to storm infiltration. Briggs will come up with an estimate to open the laterals.

The Newport Collaborative will be invited to the next work session to discuss design alternatives for the beach pavilion.

c. Review schedule and plans of hunting on Town, State and Federal lands
Town Manager Dodge circulated the hunting information, attached to these minutes, which will be posted and advertised.

Councilor McGarry said he hoped that the Deer Task Force would come up with a list of legislative changes required take action to drastically reduce of the deer herd. Councilor Pike suggested a \$50 bounty per deer.

d. Discuss Sands Pond re: Chris Warfel's letter dated December 26, 2012
Mr. Warfel's letter is attached to these minutes. The Town does not own Sands Pond. One theory discussed is that the natural flow away from Sands Pond may have been interrupted, causing the pond and its basin to gradually increased in volume. The recommendation of the former Water Superintendent was to redesign the intake structure at Sands Pond and move it up during a period of low water. Discussion ensued. Information was circulated and the issue will be taken up at the next Town Council work session.

- e. Report of current Public Works and Administration issues**
- Discussion of recent sewer leak into the Great Salt Pond, estimated at less than 1,000 gallons. The Pond is closed to shellfishing. Sewer Superintendent Chris Blane will see if the bid to TV the sewer lines still holds, the work needs to be done.
 - Gray water system cover on south side of Town beach is cracked and needs replacement

1. Discuss and act on new Town Council orientation:

a. Town Council email

Michele Spero is available for troubleshooting email. Town Council accounts will be renamed using names rather than numbers. Wireless internet will be available in the meeting hall.

b. Projection of documents at meetings

A test run will take place at the interim January meeting. Discussion of options for image projection.

2. Discuss Town Council guidelines for upcoming Town employees contract and Police contract negotiations – This item may be held in closed session pursuant to RIGL 42-46-5(a)(2) for discussions of collective bargaining

- Discussion of existing benefits and premium coshare of \$304 for single benefits and \$708 for family plans. At the request of the employees association, the Town distributed a 57 cent per hour offset to all employees, rather than a having a sliding scale for premium coshare of 3, 4 and 5% based on wages. The across the board offset had the effect of giving the lower paid employees a higher proportional offset.
- Discussion of increase employee contribution over time, possibly over three year period.
- Discussion of performance based wage increases vs. across the board.

A motion to enter closed session pursuant to RIGL 42-46-5(a)(2) for discussions of collective bargaining was made by Mr. Lacoste and seconded by Mr. McGarry.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At 7:15 a motion to move out of closed session was made by Ms. Gaffett and seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Gaffett reported no motions were made in the closed session meeting.

At 7:16 a motion to adjourn was made by Ms. Gaffett and seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved January 16, 2013

Fiona Fitzpatrick, Town Clerk

New Shoreham Town Council Meeting
Town Hall, Old Town Road, Block Island
Monday, January 7, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present was Town Manager Nancy O. Dodge. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

Warden's Report

First Warden Gaffett reported the deadline for comment to the Army Corps of Engineers on Deepwater Wind's project was extended to February 10, 2013.

Public Input

There was no input from the public.

1. Introduction of Patrolman Christopher Rich

NSPD Chief Vincent Carlone introduced Patrolman Christopher Rich. Mr. Rich was sworn in by the Town Clerk and received a warm round of applause from the many community members present.

2. Receive and act on TNS Police Department monthly reports: October and November 2012

First Warden Gaffett moved to receive the Police Department reports for October and November, 2012, seconded by Second Warden Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

3. Act on management agreement with Block Island Health Services Board

The agreement was discussed and revised at several meetings. The term of the agreement was the only item unresolved in the current draft. Mr. McGarry suggested one year, Mr. Pike said he had no problem with the contract but he anticipates the membership may initiate changes in the board construction or membership and suggested a six month term until June 1, 2013 which would give the membership the time to review the executive committees' decisions and actions, including the dismissal of Monty Stover. Ms. Gaffett said she hoped for a three year term, but she will settle for one year to allow it to move forward.

Ms. Gaffett moved to continue the agreement as drafted for one year to January 1, 2014. Seconded by Mr. Warfel.

Discussion: Mr. McGarry said he believes the community and board must support each other and move forward for one year. Mr. Lacoste said the agreement contains many changes he supports, he sees a one year term as a minimum. He appreciates the essential work of the medical center and knows it needs to continue. Mr. Warfel said he believes six months is too short administratively, he believes the new agreement is conducive to closer monitoring.

Ayes: 4 (Gaffett, Lacoste, McGarry, Warfel) Nays: 1 (Pike)

The next step is to forward the agreement to the Board of Health Services for possible ratification.

4. Receive and act on letter from Margaret Berlin re: transfer of Taxi license
Long time taxi licensee Oscar Berlin recently passed away. His widow Mitzi requested the license be transferred to her name. The Commission on Motor Vehicles for Hire met and voted to recommend the Town Council allow the transfer.

Second Warden Lacoste moved to transfer Oscar Berlin's taxi license to Margaret Berlin, known as Mitzi, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

5. Report by Town Councilman McGarry on Production tax credits
Mr. McGarry said he wanted the Council to discuss energy production tax credits (PTC) before Congress voted to extend them January 1. He wrote to Senators Reed and Whitehouse and Representative Langevin to oppose the continuation of the program he described as 12 billion dollars of pork. From the audience Deepwater's Director of Block Island Operations Bryan Wilson spoke in support of PTCs and said the program was very important to developing alternative energy solutions. Henry duPont spoke in support of the program and pointed out the credit was for completed not conceptual projects. Councilor Warfel also spoke in support of the program.

No action was taken.

6. Discuss Town Councilman McGarry request for action by Electric Utility Task Group
re:

- **determine what role and at what cost BIPCO will play in a post cable scenario**
Councilor McGarry wants the Electric Utility Task Group (EUTG) to report back to the Town Council regarding the Block Island Power Company's (BIPCo) function and costs and backup requirements will be if an electric cable to the mainland is installed, whether or not it is linked to a windfarm.

- **estimation of costs for feasibility study and cost analysis of a stand-alone cable**
For budgeting purposes, Councilor McGarry wants the EUTG to report back with the cost of a feasibility study and cost analysis for an electric cable to the mainland not connected to a windfarm. He would like to know the cost of a study that includes engineering, geology, environmental impact, hook up options, and federal, state or other funding sources.

Councilor Warfel suggested the EUTG also be requested to look at local alternate generation including a cost analysis of a plan for developing indigenous on-Island renewable and conservation sources such as land based wind, solar, and small scale hydro, and the possibility of creating a multifaceted hybrid system with all operations in parallel to the distribution system,

including a capacity plan for commercial draw. Asked about the loss of opportunity for fiber optics without a cable, Mr. Warfel suggested a viable alternative to a fiberoptic cable would be a Town coop for highspeed internet via microwave technology.

Mr. Warfel asked about progress switching to more energy efficient street lights. BIPCo has installed three energy efficient street light heads and is checking their operation.

Mr. McGarry moved that the Town Council direct the EUTG to investigate the cost of a feasibility and cost of study analysis for a stand-alone cable for budget purpose, and also to investigate what role BIPCo will plan in a post-cable scenario when the cable is installed. The motion was seconded by Mr. Pike.

Mr. Warfel moved to amend the motion to add that the EUTG also investigate local alternate generation including a cost analysis of a plan for developing indigenous on-Island renewable and conservation sources such as land based wind, solar, and small scale hydro, and the possibility of creating a multifaceted hybrid system with all operations in parallel to the distribution system, including a capacity plan for commercial draw. The amendment was seconded by First Warden Gaffett.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

The amended motion was called: the Town Council direct the EUTG to investigate the cost of a feasibility and cost of study analysis for a stand-alone cable for budget purpose, and also to investigate what role BIPCo will plan in a post-cable scenario when the cable is installed and also to investigate local alternate generation including a cost analysis of a plan for developing indigenous on-Island renewable and conservation sources such as land based wind, solar, and small scale hydro, and the possibility of creating a multifaceted hybrid system with all operations in parallel to the distribution system, including a capacity plan for commercial draw.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

7. Receive and act on Town Councilman Warfel letter re: use of Weldon's Way by moped businesses

Councilor Warfel read the letter which is attached to these minutes. He feels using Weldon's Way to train people renting mopeds is dangerous and a liability for the Town. He wants the Town to notify the moped dealers that they must stop this summer. Mr. Pike agrees but thinks the operators may need a year to adjust. Ms. Gaffett said she agrees in principal but she has not seen a practical alternative. It is important to train the drivers. All agreed it would help traffic flow. Mr. McGarry said the traffic congestion is a function of four bike and moped rental operations in the same small area.

Chief Carlone was present in the audience. He agreed it is in the Town's interest to continue the training and suggested a meeting with the moped dealers, the Town Manager and Council to discuss the situation and alternatives. Discussion ensued.

First Warden Gaffett moved to ask Police Chief Carlone and Councilor Warfel to work with the moped dealers for the improvement of the use and non-use of Weldon's Way. Motion was seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

8.

8. Act on Annual appointments: Boards, Committees, Commissions and individual TNS appointees

Ms. Gaffett moved to reappoint the following Town Officials for one year, to a term ending in December 2013: Alarm Officer Donald Thimble, Alarm Officer Marc Tillson, Care of Cemetery Town Council, Corder of Wood Stanton Geer, CRMC Representative Michael Ballard, Director of Public Welfare Mary Donnelly, Fence Viewer Nancy Greenaway, Field Driver A. Joseph Sprague, Packer of Fish Gary Hall, Sealer of Weights & Measures Chris Blane, Cemetery Sexton Michael Shea, and Tree Warden Ned Philips, Jr. Motion was seconded by Councilor McGarry.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. McGarry moved to reappoint Auctioneer Lewis Gaffett for one year to a term ending in December 2013, seconded by Mr. Pike.

Ayes: 3 (Lacoste, Pike, Warfel) Nays: 0 Recuse: 1 (Gaffett) Abstain: 1 (McGarry)

Mr. McGarry said the vote was illegal and he would abstain.

Ms. Gaffett moved to reappoint Bond Counsel Ellen Corneau for one year to a term ending in December 2013, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Town Manager Nancy Dodge recommended the reappointment of Harbormaster Steve Land.

First Warden Gaffett moved to accept the recommendation of the Town Manager and reappoint Harbormaster Stephen Land to a one year term ending in December 2013. Seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike) Nays: 1 (Warfel)

Ms. Gaffett move to reappoint Katherine Merolla Town Solicitor and Probate Judge for one year and to reappoint Steven Merolla the Town Solicitor for prosecutions for one year. Seconded by Mr. Lacoste.

The Town Solicitor serves at the pleasure of the Town Council without a contract. The cost of charter airplane flights related to the appointment was discussed.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett, seconded by Norris Pike, moved to reappoint Town Manager Nancy Dodge for one year.

The Town Manager serves at the pleasure of the Town Council, her current contract stands until renewed.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Kimberley Gaffett moved to reappoint Donald Packer Town Solicitor for land use, seconded by Mr. Warfel.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to appoint Chris Warfel the Town Council's representative on the Washington County Regional Planning Council for two years, seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike) Nays: 0 Abstain: 1 (Warfel)

Town Manager Nancy Dodge recommended the reappointment of Vincent Carlone, Peter Gempp and William McCombe as co-Directors of Emergency Management for one year.

Ms. Gaffett moved to approve the Town Manager's appointments of Vincent Carlone, Peter Gempp and William McCombe as co-Directors of Emergency Management, seconded by Mr. Pike.

Discussion of FEMA grant application.

Ayes: 4 (Gaffett, Lacoste, Pike, McGarry) Nays: 1 (Warfel)

Ms. Gaffett moved to appoint Rescue Captain Bryan Wilson, Fire Chief Tristan Payne, and Co-Directors of Emergency Management Vincent Carlone, Peter Gempp and William McCombe to the Emergency Management Task Force for one year terms. Motion seconded by Mr. Lacoste.

The board's composition is ex-officio and mandated by law.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint members of the Block Island Housing Board to two year terms as follows: Millie McGinnes as "at large" member, Patricia Murphy as a member of a housing advocacy group, Cynthia Pappas as a real estate representative. Motion was seconded by Mr. Pike.

Mr. McGarry said he would vote against the reappointment of any individual who did not attend at least 75% of a board's meetings.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to appoint Block Island Conservancy board member Rosemary Tobin as the conservation representative to the Housing Board, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint Bradford Marthens and Vincent McCombe to three year terms on the Commission on Motor Vehicles for Hire seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. Pike moved to reappoint John Hopf and Donald Littlefield to three year terms on the Conservation Commission seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to reappoint Rebecca Ballard, Paul Deane, Sara McGinnes and Ruth Perfido to one year terms on the Deer Task Force. Motion seconded by Mr. Lacoste.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to appoint Lisa Sprague and William McKernan to one year terms on the Deer Task Force in place of retiring members Chris Blane and Mary Sue Record. Motion seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint William Penn, Everett Shorey, John Warfel and Barbara MacMullan to the Electric Utility Task Group for one year terms, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. McGarry said he tried to find people with opposing views who were willing to serve on the Group but he could not.

Ms. Gaffett moved, seconded by Mr. McGarry, to reappoint Carl Kaufmann, Robert Littlefield and Arlene Tunney to three year terms on the Harbors Committee and to reappoint member Edwin Merritt to a one year term as an alternate on the Committee.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to reappoint Mark Vaillancourt and Martha Ball to three year terms on the Historic District Commission, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint Peter Gibbons and Shirlyne Goben to three year terms on the Juvenile Hearing Review Board, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved, seconded by Mr. Pike, to reappoint Charlotte Herring and John Warfel to three year terms on the Library Board of Trustees.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. Pike moved, seconded by Ms. Gaffett, to reappoint John Cullen, Bradford Marthens and Logan Mott Chase to two year terms on the New Shoreham Tourism Council.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint John Hopf, Cara Rostkowski and William Vallee to the North Light Commission for three year terms, seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to accept the resignation of Rebecca Ballard from the Old Harbor Task Force, and to send a letter of thanks for her service, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint Jessie Edwards, Julie Fuller, Kathy Szabo, Arlene Tunney and Margaret Comings to one year terms on the Old Harbor Task Force, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to appoint David Graham to serve out Becky Ballard's unexpired term, and to appoint Karen Duale to a three year term made available by Fraser Lang's retirement from the Old Harbor Task Force, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Councilor Pike is retiring from the Planning Board.

Ms. Gaffett moved, seconded by Mr. Warfel, to reappoint Mary Anderson and Socha Cohen to five year terms on the Planning Board.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. Lacoste moved, seconded by Mr. Warfel, to appoint Arlene Tunney to serve out Norris Pike's unexpired term on the Planning Board.

Ayes: 2 (Lacoste, McGarry) Nays: 3 (Gaffett, Pike, Warfel)

Mr. Pike moved to appoint John Spier to serve out Norris Pike's unexpired term on the Planning Board. Motion seconded by Ms. Gaffett.

Ayes: 3 (Gaffett, Pike, Warfel) Nays: 1 (Lacoste) Abstain: 1 (McGarry)

Mr. Spier is Ms. Gaffett's brother in law. Mr. McGarry said he abstained from the vote because it was illegal. Ms. Gaffett said she participated because she sees no conflict; the position offers no financial gain or loss for Mr. Spier or her.

Ms. Gaffett moved to reappoint Sarah Sue Deane, Gail Heinz and Ann Hall to two year terms on the Recreation Board and to reappoint first alternate Christopher Willi and second alternate Paul Henshaw to one year terms on the Board. Motion was seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, Pike, Warfel) Nays: 1 (McGarry)

Ms. Gaffett moved to reappoint Sandra Hopf and Linda Spak to three year terms on the Senior Advisory Committee, seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett noted the retirement of Betsy Theve from the Senior Advisory Committee. The Clerk will send a letter of thanks and to advertise the vacancy.

Mr. Lacoste moved to reappoint Hermann Gempp and Lois Bendokas to three year terms on the Shellfish Commission, seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike) Nays: 0 Recuse: 1 (Warfel)

Mr. Warfel recused because he has an aquaculture business. Discussion of communication among boards. At their next work session the Council will discuss whether they will return to the practice of formally attending a meeting of each board and committee annually.

Ms. Gaffett noted the retirement of first alternate William Comings from the Zoning Board. He will be sent a letter of thanks.

Ms. Gaffett moved to appoint alternate Robert Lamoureaux to the Zoning Board for a one year term, and to appoint Susan Bush an alternate to the Zoning Board to serve a one year term. Motion seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to reappoint Nancy Cole to a one-year term as the Town Council's representative on the Block Island Early Learning Center Board of Directors. The motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. Pike moved to appoint Peter Saxon to a one year term as the Town representative on the Block Island Health Services Board of Directors, seconded by Mr. McGarry.

Ayes: 1 (Pike) Nays: 4 (Gaffett, McGarry, Lacoste, Warfel)

There was discussion regarding the importance of having a Council member on the Board at this time.

Ms. Gaffett moved to appoint Ken Lacoste to a one year term as the Town representative on the Block Island Health Services Board of Directors, seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett noted Millie McGinnes' retirement from the BIHSBOD and moved, seconded by Mr. Lacoste, that a letter of thanks be sent to her.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At 9:30 Ms. Gaffett called a five minutes recess. The meeting reconvened at 9:35.

9. Receive and act on TNS Board of Assessors letter re: property roll abatements

Ms. Gaffett moved to accept the recommendation of the Board of Assessors and approve the property tax abatements as received, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

10. Minutes: December 3, 2012 with auditors; December 12, 2012; December 18, 2012

Ms. Gaffett moved to approve the minutes of December 12, 2012 seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to approve the minutes of December 18, 2012 as amended, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

11. Discuss and act on TNS response to DPUC re: Block Island Power Company Application for Approval of Financing in the amount of \$566,400 (May be held in closed session pursuant to Rhode Island General Laws 42-46-5 (a)(2) for sessions pertaining to litigation)

The discussion was held in open session with the Town's consultants Richard La Capra and Everett Shorey.

Mr. La Capra said Block Island Power Company has applied to take on debt to buy the generator they have been testing. He said it is a more reliable engine, field tested and with a service contract. The new engine will support the Island whether or not the cable goes forward, it is a

reasonable planning decision under the elements of uncertainty the company is facing. Discussion ensued.

There was related discussion of the role of the Division (DPUC) and the Commission (PUC). Mr. Shorey said Commission is regulatory body which approves rate filings. The Division serves two roles: advisory staff to Commission and a few things they can approve or disapprove on their own, such as this taking on of debt. It is a small scope. Rate design is not a Division issue. A rate design that includes conservation or other would be an issue for the Commission and cannot be added to the proceeding before the Division.

Ms. Gaffett moved that the Town will not be formally object to the finance filing of Block Island Power Company to purchase new generator #26, seconded by Mr. Pike.

Ayes: 4 (Gaffett, Lacoste, McGarry, Pike) Nays: 1 (Warfel)

Mr. Warfel said he did not enough information at this time to support the motion.

12. Discuss and act on TNS response, planning, and strategy re: Interstate Navigation Rate Change Application [PUC Docket 4373] (May be held in closed session pursuant to Rhode Island General Laws 42-46-5 (a)(2) for sessions pertaining to litigation)

Mr. Warfel moved, seconded by Mr. Lacoste, to enter closed session pursuant to Rhode Island General Laws 42-46-5 (a)(2) for sessions pertaining to litigation for the discussion of the Town's response, planning, and strategy re: Interstate Navigation Rate Change Application [PUC Docket 4373].

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

The Town Council entered into the closed session with consultants Everett Shoreham and Richard La Capra, Town Manager Dodge and Town Clerk Fitzpatrick present. Discussion ensued.

At 11:20, Ms. Gaffett moved to come out of closed session, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett moved to seal the closed session minutes, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett reported one motion was made during the closed session, as follows:

Ms. Gaffett moved, seconded by Mr. Lacoste, to authorize Richard La Capra and Everett Shorey to contact Interstate to open a discussion for negotiation incorporating the four points:

- Allow Interstate to earn their rate of return by going to a revenue cap rather than using a fixed rate schedule
- Consolidate the fast ferries with the traditional ferry into the rate case
- Retain the commuter card and rate

- Maintain the current schedule as the minimum off-season schedule

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At 11:30 Mr. Lacoste moved to adjourn, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved January 16, 2013

Minutes reconsidered and amended February 20, 2013

Fiona Fitzpatrick
Town Clerk

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Wednesday, January 16, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present were Town Manager Nancy O. Dodge and Town Solicitor Katherine Merolla. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

Warden's Report

The RI Coastal Resources Management Council's remand hearing for the expansion of Champlin's Marina will continue on the mainland tomorrow. The CRMC comment period for Deepwater Wind has been extended from January 22 to February 4. Councilor Warfel apologized for his remarks about Harbormaster Land in a statement attached to these minutes.

Public Input

There was no input from the public.

1. Public Hearing re: Historic District plat/lot list and map

- Consider amending New Shoreham General Ordinances Chapter 7 by revising the list of properties contained in the Historic District ordinance to include property of the Estate of David K. Harrison at Plat 18, Lot 6-1 (Fire #841 West Side Road) pursuant to New Shoreham General Ordinances 7-13 and to add "Plat 18, Lot 06, Sublot 01" to the official listing of included properties contained in the Historic District
- Consider amending the New Shoreham Zoning Map to add Plat 18, Lot 6-1, West Side Road, the Estate of David K. Harrison, currently zoned as Residential A, to the Historic District

Applicant Sam Bird was present. The application to add Plat 18, Lot 6-1 to the Historic District was approved by Historic District Commission and received a favorable advisory from the Planning Board. Mr. Bird explained his family bought the 12 acre 1892 farm from the original family in 1985. Eight of the 12 acres are in Block Island Land Trust conservation. He said he is grateful to have the opportunity to preserve the landmark farm buildings under the stewardship of the Historic District Commission. Martha Ball was present for the HDC. She said the commission strongly recommended passage so the unusually intact property could remain unchanged. No one spoke against the proposal.

Ms. Gaffett moved to close the hearing and adopt the ordinance and zoning map change as presented. Motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

2. Receive and act on TNS Police Department monthly report: December 2012

Chief Carlone presented the report. A discussion of electric vehicles ensued. It was also noted alarms are down.

Mr. Lacoste moved accept the NSPD Police Department for the month of December, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

3. Act on Quarterly Municipal Deficits Report

The report was presented by Finance Director Amy Land.

First Warden Gaffett moved to authorize the submittal of the Quarterly Municipal Deficits Report to the state fiscal agent, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

4. Receive and act as necessary on State of Rhode Island CRMC Public Notice re: CRMC Federal Consistency determination for Deepwater Wind applications for commercial wind energy leases

The RI Coastal Resources Management Council (CRMC) is reviewing a consistency determination received from the US Department of the Interior Bureau of Ocean Energy Management with regard to federal licensing of Deepwater Wind. The CRMC will determine whether the federal actions are in compliance to the maximum extent possible with state regulations in the area, including the Special Area Management Plan. First Warden Gaffett said the item was informational but comment could be taken if the Town Council wished. A brief discussion ensued.

Councilor Warfel moved to take no action, seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

5. Review and act on Deer Tag reimbursement policy and reimbursement requests

The previous Council's deer tag reimbursement policy was reviewed. Hunters were reimbursed the cost of a resident deer tag (\$12.50) for each antlerless deer taken. The Town has accepted a photocopy of the "RI DEM Kill Report Card" filled out by the hunter as proof. To date this year, eleven hunters requested reimbursement for 42 does, 8 antlered deer and 3 button bucks. Other deer may have been taken without request for reimbursement.

Councilor McGarry moved to transfer \$525 from contingency for the reimbursement of 42 deer tags for harvested does, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

6. Receive and act on Harbors Committee request re: New Harbor Office/Bathroom facility

Arlene Tunney was present for the Harbors Committee. The Committee sent a memorandum requesting the Town Council appoint a committee to study the construction of a new Harbormaster's office and the addition of bathrooms in New Harbor. The process for submitting new projects for the capital plan was discussed. The Town Manager and/or Harbormaster will attend the next Harbors Committee to determine where the Committee is in the budget and planning process and offer some guidance moving forward.

Ms. Gaffett moved to take no action at this time, seconded by Councilor Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. Warfel reiterated the need for a standing committee for buildings and grounds.

7. Boards, Committees, and Commissions:

- Planning Board appointment

Councilor McGarry requested the item be put on the agenda to give the Council the opportunity to correct their previous vote. He clarified that he abstained from the vote at the last meeting because he believed Ms. Gaffett's vote to appoint her brother-in-law to the Planning Board was an illegal action, nepotism under the Code of Ethics. Ms. Gaffett said she voted for the most qualified candidate for a volunteer board which will bring no financial gain or loss for the appointee or herself. Ms. Gaffett said she believes the standard is financial gain and she will seek and follow an opinion from the RI Ethics Commission. Mr. Warfel voted to reappoint his brother to the Library Board and Electric Utilities Task Group. He said he would follow the findings in the Ethics Commission opinion when it is received.

Attorney Merolla said the motion stands until overturned.

• Announce Board, Committee and Commission openings
There is an opening on the Senior Advisory Committee.

8. Set Public Hearing date for proposed Zoning Amendments related to Affordable Housing

First Warden Gaffett moved to set a February 20, 2013 public hearing for the amendment, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

9. Receive and act on Town Solicitors update on legal action re: J. Pinney septic system replacement (plat 8 lot 109) (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)

The Town Council held the discussion in open session. Wastewater Inspector Don Thimble was present. Mrs. Ruth Mahoney was present for Mr. Pinney. Attorney Katherine Merolla reviewed that the Town Council had directed her to take legal action in Washington County Superior Court to force Mr. Pinney to comply with the order to work toward replacing his septic system. Mr. Pinney was served on January 1, his answer is due January 21. Mr. Pinney contacted Ms. Merolla asking for an extension of time to answer the summons and complaint. She explained to Mr. Pinney that the problem was that he had not moved forward with the Council's order to provide a signed contract for the work on his septic system. Soon after, Mr. Pinney's contractor David Dow sent Ms. Merolla a copy of a signed contract and a letter saying he has received a down payment of \$4,000 for work on the system which will cost approximately \$11,500. She believes the proceedings have resulted in a positive outcome and recommends the Town Council grant a 30 day extension because Mr. Pinney is moving forward with the action required by the Town Council.

First Warden Gaffett said she thought the Council's goal has been replacement of the system, not necessarily penalizing Mr. Pinney. She said there is progress toward the goal and she would be in favor of the extension. A brief discussion ensued.

Councilor McGarry moved to direct the Solicitor to grant Mr. Pinney a 30 day extension to answer the complaint. The motion was seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

10. Receive and act on update on PUC application re: Interstate Navigation (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)

The Town Council held the discussion in open session. Interstate Navigation's security officer Bill McCombe was present. Ms. Merolla said she has contacted Interstate Navigation's Attorney Mike McElroy and their expert Walter Edge regarding the proposal Everett Shorey recommended and the Town Council discussed and endorsed at their last meeting. Mr. McElroy approached the Division to ask whether the Division could support the proposal, and received preliminary interest. If the Division indicates they could support the process, Ms. Merolla will schedule a settlement conference at her office with the Town Manager, Mr. Shorey, Mr. McElroy and Mr. Edge.

In a discussion of the posting of the agenda item, Attorney Merolla said the Town has intervener status in the application and is a legal party to the proceedings so the posting with an option to hold the discussion in closed session for the discussion of litigation under RIGL is appropriate. Mr. McGarry said public input in this process will be useful and public support necessary and he favors continuing to hold discussions in open session. The closed session provision would be needed for the Town to strategize without Interstate. The current rates will be in place until they are changed by the Division.

11. Receive and act on Town Solicitors update on legal action re: The Triangle case (plat 8 lot 109) (this discussion may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to litigation or pending litigation)

Yesterday's court hearing was continued to February 12, 2013.

12. Minutes: December 3, 2012; January 2, 2013; January 7, 2013

First Warden Gaffett moved to approve the minutes of December 3, 2012, seconded by Second Warden Lacoste.

Ayes: 3 (Gaffett, Lacoste, Pike) Nays: 0 Abstain: 2 (McGarry, Warfel)

First Warden Gaffett moved to approve the minutes of January 2, 2013 and January 7, 2013 with changes noted, seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At 8:35 Mr. Lacoste moved to adjourn seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved February 4, 2013

Fiona Fitzpatrick, Town Clerk

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Wednesday, February 20, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present were Town Manager Nancy O. Dodge and Town Solicitor Katherine Merolla. Town Clerk Fiona Fitzpatrick was present to take the minutes of the meeting.

First Warden Gaffett called the meeting to order at 7:00.

Warden's Report

The DEM parking lot in Pt. Judith was plowed promptly and the plowers were on site assisting drivers to get out after the recent snow storms. Ms. Gaffett reported there are two pending ethics investigations against her. She has been offered a settlement but she has chosen to make her case and has not accepted the settlement as proposed. Second Warden Lacoste spoke about the build-up of sand by the east dock in New Harbor. The Town Manager said Joe Sprague has been contracted to take sand off east side of the breakwater and remove it before it washes in.

Public Input

Bill Penn, President of BIRA, asked the Town what their strategy was regarding Interstate rate increases and asking for an opportunity for public comment. The item is on the agenda. Chris Blane asked about a land records volume and brush along the east side of Corn Neck Road. Lars Trodson is the new editor of the Block Island Times.

1. Public Hearing re: Proposed Amendment to New Shoreham Zoning Ordinance Relating to Affordable Housing (Article 2 Section 202 Definitions, Article 4 Section 403 Secondary Dwelling Development, Article 4 Section 404 Attached Multifamily Development, Article 4 Section 405 Affordable Housing and Article 7 Section 712 Permits, Procedures and Enforcement)

First Warden Gaffett called the public hearing to order at 7:10. Planner Jane Weidman presented the amendments to the Town Council and answered questions. Block Island Housing Board Chair Cindy Pappas and Planning Board member Sam Bird were present to answer questions. Ms. Weidman's presentation is attached to these minutes. The Planning Board provided a favorable advisory opinion.

Rob Gilpin noted that most lots of record in the RA zone are approximately 80,000 square feet, and the amendment would not allow an additional affordable house on a developed preexisting nonconforming lot of less than 120,000 square feet. Ms. Weidman confirmed that it was not the Planning Board's intention to double the density on preexisting nonconforming lots. Rob Gilpin said he would like a change to allow the addition of an affordable unit on an 80,000 square foot house in the residential A zone.

Councilor Warfel noted there is no definition for "duplex" in the zoning ordinance. After a brief discussion, it was decided the definition for attached multifamily would apply. If more is needed, the ordinance may be amended.

At 8:15, a motion to close the public hearing was made by First Warden Gaffett and seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Ms. Gaffett made a motion to adopt the amendment as advertised, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

2. North Light Commission presentation re: thanks and appreciation for volunteer contributions

North Light Commission Chair Rob Gilpin was present. He said the North Light Commission voted to acknowledge and thank Tammy Tyler, Chris Warfel and Shirlyne Goben for their contributions to the renovation of the North Light. Electrician Tammy Tyler has helped the Commission since the installation of the wind turbine and she has donated her time on many occasions. She donated the fire alarm system and installed it without charge. Chris Warfel helped with site plan for the wind turbine,

and he has helped keep the photovoltaic system going. He designed the system and donated the panels and inverter for the flasher and the lantern. Mr. Gilpin said he would not still be involved in the project without the help of Shirlyne Goben who has kept him on track and on task over the years and always with good spirits. He presented three beautiful framed photographs of the Lighthouse taken by Malcolm Greenaway. First Warden Kimberley Gaffett thanked Mr. Gilpin, and said the renovations would not have been completed without his leadership and his enduring passion for the project.

3. Tabled Item: Receive and act on Shellfish Commission letter re: C. Gale commercial shellfish license application

Ms. Gaffett said the Shellfish Commission met yesterday and voted to recommend Charles Gale's commercial shellfish license be granted pending payment of all outstanding fees owed to the Town and the Harbors Department.

First Warden Gaffett moved to grant a Commercial Shellfish License to Charles Gale pending receipt of all appropriate fees and payment of his outstanding mooring permit fees, seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

4. Receive and act on TNS Police Department monthly report: January 2013

Second Warden Lacoste moved to accept the New Shoreham Police Department Report of January 2013, seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

5. Receive and act Town Manager reports and recommendations re:

- TNS Fee Schedule responses and recommendations from Department Heads

A memorandum was received from the Town Manager regarding the responses of Department Heads.

Ms. Gaffett moved, seconded by Mr. Lacoste, to table the item and take it up during budget development.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

- Beach Pavilion repair/renovation plan

A discussion of the beach pavilion repair/renovation options ensued. The Council's consensus at the last work session was that they favored the basic renovation option, plus parking lot improvements. Town Council discussion: insurance will pay for Hurricane Sandy repairs to the furnace, roof, porch, stairs and railings before summer. The basic renovation plan may be in the FY 2014 budget in anticipation of a Department of Environmental Management matching grant for construction and renovations next fall and winter, structuring the new parking plan.

Public comment: Jess Willi said it is an extremely important building that brings tourists to the Island who support the local economy. She spoke about the food and beverage and hotel taxes remitted to the Town. Mr. Lacoste reported a suggestion from Terry Mooney that the project be bid out and turned over to an investor to manage until the renovation is paid down. There was no support for this option. Kathy Szabo asked that the prohibition on alcohol be lifted to attract functions. The Council does not want to compete with existing businesses.

The Council asked the Town Manager report back with a plan describing what will be done with the hurricane repair money, what will be done with the renovation funding, and price options for the parking lot. Mr. Warfel asked that a plan be developed and a schedule be prepared that includes repair start dates.

Mr. Lacoste moved to instruct the Town Manager to work with the Recreation Director to solidify estimates for the minor renovation plan keeping in mind the state grant funding schedule, town budget schedule and parking lot project. Motion was seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

- Payroll deduction for Town housing rentals

The Town Manager confirmed Mr. McGarry's information that it is illegal to deduct rent from payroll. She said for some employees' summer salaries will be reduced to reflect that housing will be provided as part of overall compensation.

6. Receive and act on K. Erik Wallin letter re: amendment to Town Ordinance Article VII, Motor Vehicles for Hire, Section 8-164(b) "waiting list" provisions

Erik Wallin was present and asked the Town Council to consider an amendment to the Motor Vehicles for Hire ordinance that would allow a position on the taxi waiting list to pass to a surviving spouse. A brief discussion ensued.

First Warden Gaffett moved to schedule a March 20, 2013 public hearing on the proposed amendment, and to direct the Motor Vehicles for Hire Commission to offer an advisory opinion, seconded by Second Warden Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

7. Receive and Act on Old Harbor Task Force letter re: name of Old Harbor lots 146 & 147

Kathy Szabo was present for the Old Harbor Task Force and requested the Town change the name of "Pole Harbor Park" to "Old Harbor Park." Her letter was read into the record and is attached to these minutes. Discussion ensued.

Second Warden Lacoste moved to change the name of the Town property at Plat 6, Lots 146 and 147 to "Old Harbor Park" seconded by Mr. Warfel.

Ayes: 1 (Lacoste)

Nays: 4 (Gaffett, McGarry, Pike Warfel)

The motion did not carry so the name remains Pole Harbor Park.

8. Receive and act on letter from EUTG re: professional evaluation of decommissioning costs of Deep Water Wind turbines

Ms. Gaffett read the Electric Utility Task Group's recommendation, attached to the minutes, into the record. Electric Utilities Task Group member Bill Penn noted the recommendation was made when the Coastal Resources Management Commission was not planning to include a study of the cost, methodology and structure of decommissioning in the report from their independent verification agent. EUTG member Barbara MacMullan pointed out there are two areas of expertise needed, a legal review of the funding mechanism requiring legal, finance and insurance bonding experience and an engineer who can make recommendations regarding the cost estimates for the decommissioning. Discussion ensued.

Mr. McGarry moved to request the Town Manager to issue a request for proposals in consultation with the Electric Utility Task Group regarding Deepwater Wind's decommissioning financing plan and cost evaluation. The motion was seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

9. Receive and act on Willis Brown/The Moped Man, Inc. letter re: settlement conditions

First Warden Gaffett read Mr. Brown's letter into the record. Attorney Merolla said the letter presumes a fact which does not exist. Mr. Brown signed a document that was a result of a settlement negotiated in US District Court in 1995. He and all the other parties signed an extension in 2012. It is a contractual obligation based on a negotiated settlement, and all the parties except the Moped Man have complied. Discussion ensued.

Mr. Warfel moved to direct the Town Solicitor to write a friendly letter to Mr. Brown to clarify and explain the situation. The motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

10. Receive and act on Town Clerk memo re: reopen and correct Town Council Jan. 7, 2013 minutes

First Warden Gaffett recused. Second Warden Lacoste led the discussion. The Town Clerk's memo requesting the minutes be reopened and corrected is attached to these minutes. Discussion ensued.

Mr. Pike moved to reopen the minutes of January 7, 2013, seconded by Mr. Warfel.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Opposed: 0 Recused: 1 (Gaffett)

Mr. Pike moved to accept the minutes as amended, seconded by Mr. McGarry.

Ayes: 4 (Lacoste, McGarry, Pike, Warfel) Opposed: 0 Recused: 1 (Gaffett)

11. Boards, Committees, and Commissions:

- reconsider Town Council vote re: John Spier appointment to Planning Board
Ms. Gaffett recused. Second Warden Lacoste led the discussion. There was no motion to reconsider; Mr. Spier's appointment to the Planning Board stands.

- Set date to meet with Conservation Commission re: proposed "tree ordinance"
The Town Council will meet with the Conservation Commission on February 27, 2013.

- Announce Board, Committee and Commission openings
First Warden Gaffett announced openings on the Senior Advisory Committee and the Board of Canvassers.

Receive and act on Building Official Annual Report

Mr. Tillson was not able to attend the meeting. His report was received with appreciation. The Council agreed they would like to meet with him to hear more about green construction.

Mr. Pike moved to accept the Building Official's Annual Report, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

12. Correspondence: Block Island Chamber of Commerce re: Interstate Navigation; Mike Beauregard re: Block Island Wind Farm; Decommissioning Costs; Deer Task Force re: changing State Hunting laws to effectuate extermination of BI deer herd

Ms. Gaffett has been in contact with the DEM and USFW regarding a March 20, 2013 meeting.

13. Set meeting date with NS Sewer Commission to discuss tax payer participation for sewer system capital improvements

The First Warden reported the item was postponed at the request of the Sewer Commission.

14. Minutes: February 4, 2013

Ms. Gaffett voted to approve the minutes of February 4, 2013 as amended, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

15. Receive and act on Town Solicitor reports and recommendations regarding the following litigation (these discussions may be held in closed session pursuant to Rhode Island Public Laws §42-46-5(a)(2) for the discussion of litigation)

- Act on recommendations re: pending legal action on Plat 8 lot 109 (Pinney wastewater system)
Wastewater Inspector Don Thimble was present. Attorney Merolla reported the wastewater system has been installed and is in compliance, the notice of violation has been removed. The Council levied a \$50 fine for noncompliance beginning November 23, 2012 (74 days before compliance). Ms. Merolla asked the Council whether they wished to dismiss or continue the lawsuit to collect the \$3,700 fine. Discussion of time invested, five or six 6 hours by Ms. Merolla in addition to Mr. Thimble's time.

Mr. Pike moved to assess the full penalty as it is written. Mr. Lacoste seconded for the purpose of discussion.

Discussion of the collection process ensued. Mr. Pike withdrew his motion and Mr. Lacoste withdrew his second.

Mr. McGarry moved to the authorize Town Solicitor to contact Mr. Pinney to discuss the possibility of a settlement, seconded by Ms. Gaffett.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Discussion of the specifics will be held in closed session.

- Waste Haulers BI, LLC vs. Block Island Recycling Management, Inc, et als (WC 11-729)
“Transfer Station Litigation.”

Attorney Merolla reported hearing for a motion for summary judgment was held January 23 and the parties are waiting for a decision.

- Ballards vs. Land Trust

Attorney Merolla pointed out the Town is not a party to the litigation; the discussion was held in open session. Ms. Merolla reported Ballards filed suit against the Block Island Land Trust at the end of last year on a matter involving a claim on an easement. Ballards alleges the actions of BILT violate an easement and they are seeking appropriate relief in court. The Town’s Building Official was served a subpoena which Ms. Merolla said was onerous, overly burdensome and not specific. On behalf of the Town and the Building Official Ms. Merolla filed an objection to the subpoena. She conferred with the plaintiff’s attorney and the subpoena was withdrawn.

- Interstate Navigation Company Application to Change Rates (Division PUC Docket 4373)
The Town has entered into the matter as an intervenor. The closed session would be for the Attorney to brief the Town Council on the communication that has been taking place between Interstate and the Division, which was given to Ms. Merolla to share with the Town Council confidentially. Discussion ensued.

At 10:50 First Warden Gaffett moved to enter closed session pursuant to Rhode Island General Law 42-46-5(a)(2) for the discussion of litigation, the Interstate Rate Case and the Pinney wastewater system. The motion was seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At 11:45, a motion to move out of closed session was made by Mr. Lacoste and seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Mr. McGarry moved to seal the minutes, seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Gaffett noted one motion was made in the Pinney matter which will not be disclosed at this time because it would affect an ongoing strategy or negotiation.

At 11:45 Mr. Lacoste moved to adjourn, seconded by Mr. Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved: March 6, 2013

Fiona Fitzpatrick,
Town Clerk

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Wednesday, March 20, 2013
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Kenneth C. Lacoste, Town Councilor Sean McGarry, Town Councilor Norris Pike, Town Councilor Christopher Warfel. Also present were Finance Director Amy Land and Town Manager Nancy O. Dodge.

First Warden First Warden Kimberley H. Gaffett called the meeting to order at 7:00 p.m.

Warden's Report Parking placards for the DEM lot in Galilee will be sold on Island April 25. The PUC will hold a public hearing on Interstate Navigation Company's rate case at 12:15 on April 4, 2012 at Town Hall. There will also be a hearing on the mainland April 23, 2013 at the PUC in Warwick. A rabies clinic will be held Monday, April 8 from 12:00 to 2:00 at the Police Station. The Lunch Bunchers and staff sent a thank you card to the Town Council after the Council members made lunch for the group earlier this month. Congratulations on a job well done for Deputy Clerk Millie McGinnes who received her Master Municipal Clerk designation from the International Institute of Municipal Clerks MMC. The CRMC will meet to review the Champlin's Realty Associates application for State Assent on Monday, April 1, 2013 in Providence. The First Warden reported the Ethics Commission has determined that she should have recused from voting for John Spier's appointment to the Planning Board because he is her brother-in-law, she will pay a \$500 fine.

Second Warden Kenneth Lacoste reported that dune fencing has been put up along the Scotch Beach road property line, not where the parties had agreed. The Town Manager will meet with the Road Superintendent, Building Official and the person who installed it. Several people suggested the surveyors stakes be replaced with granite monuments.

Public Input

Dick Martin reported cars are parking overnight by Ball-O'Brien Park. The NSPD Facebook page has not been changed since Fourth of July celebration.

1. Public Hearing

Consider amending New Shoreham's General Ordinances Chapter 8 Licenses and Business Regulations, Article VII Motor Vehicles for Hire, Section 164(b) "Application for license; qualifications of applicants" for changes to the taxi waiting list.

The First Warden called public hearing to order at 7:20. She read Attorney Erik Wallin's request to continue the public hearing. Mr. Wallin submitted the proposed amendment. The First Warden read an advisory from the Commission on Motor Vehicles for Hire in favor of the amendment. One public comment was taken from Edith Blane, who is on the waiting list. She said the change is very fair for a person with a spouse but not fair for people without a spouse. She observed it will slow down the list and she is opposed. Mr. McGarry asked for a legal review of the amendment.

Mr. Lacoste moved to continue the hearing to May 1, 2013 after the Attorney can review the amendment. Motion seconded by Mr. Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

2. FY14 Budget

• receive proposed FY14 budget and budget overview by Town Manager & Finance Director Finance Director Amy Land presented the budget and answered questions from the Council and audience. This year the property tax increase is 4%. It was noted the beach pavilion upgrade, Ocean Avenue pump station improvements and deer herd reduction costs are not in the budget.

• amend and announce FY14 Budget work session meetings

The next budget work session will be Tuesday, March 26 instead of Monday March 25 (*subsequently moved to Wednesday, March 27*)

First Warden Gaffett called a five minute recess. The Town Clerk left the meeting due to illness and minutes were taken by the Town Manager.

3. Receive and act on Block Island Housing Board letter re: renewed bonding authority
First Warden Gaffett moved to support the Housing Board's request for bonding authority of 1 million and put it on the Warrant for FTM. Councilor McGarry seconded.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

4. Discussion with DEM Assistant Director for Division of Fish & Wildlife, Catherine Sparks re:

- report on 2012/2013 general Block Island Deer Hunting season
- report on special 2013 deer hunt on Plat 12 lot 13 (Black Rock)
- preliminary discussion re: 2013/2014 deer hunting season
- experimental fish stocking
- DEM property management issues of mutual interest

Continued to April 17th

5. Division PUC Docket 4373 (Interstate Navigation Co. application to change rates)

- receive public comment
- review and act on authorization to submit direct testimony prepared by R. LaCapra

Richard LaCapra was present on speaker phone for this discussion. It was noticed that the agenda item was, among other things, to receive public comment but very few people were in the audience. Cliff McGinnes spoke about consideration for the freight rates as they affect everyone. Chris Blane asked why people who live here have to pay the landing fee every time. The Council again explained that they are not negotiating with Interstate, but that the Division and Interstate negotiated the proposed settlement. The Council reviewed the prepared testimony of the town's expert, R. LaCapra, which has to be submitted by Friday to the PUC. They asked Richard to change the language to indicate that the Town "reluctantly" was accepting the proposed 34% freight rate increase. There was discussion as to what would be the result of a freight study if one was done. There was discussion as to whether there should be more forceful language about future schedules. R. LaCapra again reiterated his advice that a sidebar is a better way to approach this since we have, in the testimony, tied the company's numbers to no change in the current schedule. He doesn't believe the Division or Commission would consider this an appropriate forum, and all agreed that the Council would have a meeting annually and agenda this issue of schedules.

The discussion then focused on the change in rate per ft. for large trucks. It is set in the agreement at \$6.10 ft. for vehicles over 7 ft. in height. The company had requested \$6.55 and the division reduced it to \$6.10. It was mentioned that there is a surcharge for trucks with a gross weight of 50,000 lbs. and over will pay a surcharge which he said was an increase.

Lengthy discussion ensued about the definition for a commuter card. Councilor McGarry insisted that the application cited the original Rule 100 and that Interstate was changing the provisions in the settlement agreement by putting in additional language. The Town Manager explained that the Town and Interstate made an agreement some five years ago as to the use of the town's definition of residence found in the town's ordinance and as to the points Councilor McGarry believed were a change, and that there was no change. Chris Blane from the audience spoke to the fact that he didn't believe people who didn't live here should get a commuter rate. The history of this rate was discussed, with Councilor McGarry maintaining that, in his view, "voters" should be entitled to a commuter rate. It was resolved that he could speak to this issue as his opinion at the April 4th meeting.

As to the proposal by the Town to expand the "flexibility" to 20% (10% after a year and then an additional 10%) Richard LaCapra explained the logic behind such a proposal again, as he did at the last meeting. He feels that provision will most likely preserve the commuter and freight levels (both exempt from the 10 or 20% increases) for two rate increase requests. Our built in protection is the cap, or rate of return, it gives Interstate an easy option to raise the non commuter car rates back up if they realize that 2012 was an anomaly as to car revenue. The Division will be reviewing any of these increases if they are sought and he has great faith in the Division's ability to crunch numbers.

Because the truck rates have a greater impact on cost of living than perhaps commuter rates or loose freight rates, since most commodities come by truck, should the Town allow a 10% increase that could be applied to truck rates, and then sign off on an additional potential 10% truck rate increase. It was decided that Richard's testimony would stress the impact of large truck rates on island existence and exempt large truck rates from the second 10% increase for that reason. It was felt that this would bring the issue to the attention of the Commission going forward also that freight was not just loose freight but necessities that come by large truck.

Councilor McGarry questioned Richard as to the amortization of the Nelseco sale over five years and the response was that regulatory assets are generally allowed over a period of 3 to 10 years and it supports earnings after the initial year or two so he didn't view it as a bad thing.

First Warden Gaffett moved to authorize the submittal of Richard LaCapra's testimony with the changes discussed: a) stress the town's reluctance in accepting the freight increase b) rewrite of the discussion as to the second 10% to include reference to truck rates being excluded and why. The Council agreed that they would schedule a meeting with the company in the fall to discuss schedules as they usually do. Second Warden Lacoste seconded the motion.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

At this point, Richard LaCapra signed off on speaker phone and said he would have the revisions in hand by Thursday noon and the Town Manager and First Warden Gaffett agreed to review and file.

6. Receive and act on recommendation from Motor Vehicles for Hire Commission regarding vacant taxi license

Moved by Second Warden Lacoste, seconded by Councilor Warfel to award the license to Peter Monje with the option of picking it up now or picking it up after May 15th when it would be ready for renewal in the new licensing year. Second Warden Lacoste asked and was assured that this provision has been used before so someone need not pay for a very short time and then have to repay for a new year starting May 15.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

7. Receive and act on Deer Tag reimbursement requests

Motion by First Warden Gaffett, seconded by Councilor Pike to authorize payment of \$850.00 out of contingency. There was discussion as to whether this should be a line item each year rather than out of contingency so it wouldn't need to come to the Council. All agreed.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Boards, Committees, and Commissions:

- act on Senior Advisory Committee appointment
- announce Board, Committee and Commission openings

Motion by Second Warden Lacoste, seconded by Councilor Pike to appoint Suzanne Wright to the Senior Advisory Committee to Betsey Theve's position.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Gaffett noted there is an opening for one full term on sewer and water and two alternate positions there and an opening on Shellfish.

8. Minutes: March 4, 2013; March 6, 2013

Motion by First Warden Gaffett, seconded by Second Warden Lacoste to approve the minutes of March 4, 2013.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Motion by First Warden Gaffett, seconded by Second Warden Lacoste to approve the minutes of March 6th with the changes noted.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

9. Receive and act on negotiations with Police and Employee's unions (This item may be held in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for sessions pertaining to collective bargaining)

At 10:30 motion by First Warden Gaffett, seconded by Second Warden Lacoste to go into closed session under RIGL §42-46-5(a)(2) for the discussion of contract negotiations.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

(discussion held in closed session)

At 10:45 motion to return to open session by First Warden Gaffett, seconded by Second Warden Lacoste.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Gaffett moved to seal the minutes, seconded by Councilor Warfel.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

First Warden Gaffett noted no motions were made in closed session.

Motion to adjourn made by Second Warden Lacoste, seconded by Councilor Pike.

Ayes: 5 (Gaffett, Lacoste, McGarry, Pike, Warfel) Nays: 0

Minutes approved April 3, 2013