

New Shoreham Town Council Meeting
Town Hall, 16 Old Town Road, Block Island
Wednesday, August 21, 2024
6:00 PM

Present: First Warden Keith Stover, Second Warden Martha Ball, Town Council members Neal Murphy and Margaret O'Neill. Also present were Town Manager Maryanne Crawford, Finance Director Amy Land, Town Land Use Attorney Kerin Browning and via Zoom, Town Solicitor James Callaghan and Labor Attorney Tim Cavazza. Town Clerk Millicent Highet was present for the recording of minutes. Town Council member Tristan Payne was absent.

First Warden Stover called the meeting to order at 6:02 p.m.

6:00 p.m.

- 1. The New Shoreham Town Council will meet to discuss Interim Town Manager candidate(s). Pursuant to RI General Laws 42-46-1(a) (1) the meeting may be held in closed session for discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.**

Mr. Murphy moved to go into closed session at 6:03 p.m. for discussion of Interim Town Manager candidate(s). Pursuant to RI General Laws 42-46-1(a) (1) the meeting may be held in closed session for discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

- 2. Discuss negotiations between RI Council 94 AFSCME, AFL-CIO Local 2855 New Shoreham Employee's Association and Town of New Shoreham and New Shoreham School Committee. This item may be discussed in closed session pursuant to RI General Laws 42-46-5(a) (2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.**

Mr. Murphy moved to go out of closed session at 6:58 p.m. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Mr. Stover reported that no motions were made in closed session.

Mr. Murphy moved to seal the minutes of the closed session. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

7:00 p.m.

Town Council Agenda

3. Public Comment

Town Clerk Millie Highet reported that early voting for the Primary began today and will run Monday through Friday from 9:00 a.m. to 3:00 p.m. through the Town Clerk's Office.

4. Consent Agenda:

- a. Approval of minutes: August 5, 2024**
- b. Act to approve request of Philip and Mary Theresa Murphy to transfer Island Cemetery lots Plat 3, Lots 8F, 8G, 8H & 13E back to the Town for the purchase price paid: \$3,200**
- c. Correspondence:**
 - i. Judith Clark: Car rentals should not include trucks, slow-speed vehicles or motorcycles and a numbering system should be implemented**

Mr. Murphy moved to approve the items on the consent agenda. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

5. Hold a public hearing and act on proposed amendments to New Shoreham Zoning Ordinance, Article 1, Section 111 General Prohibitions, Article 2, Section 202 Definitions Amusement Ride

Mr. Murphy moved to open the public hearing on proposed amendments to New Shoreham Zoning Ordinance, Article 1, Section 111 General Prohibitions, Article 2, Section 202 Definitions Amusement Ride. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Mr. Stover explained that the Planning Board sent an advisory in support of the amendment. He further explained that the proposed amendment would prohibit any new amusement rides in New Shoreham. It was noted that the Aldo's carousel would be exempt, as it would be pre-existing, non-conforming.

From the audience, David Lewis mentioned that in the Planning Board's letter of support refers to additional uses that the Zoning Ordinance does not yet offer a definition.

Mr. Murphy moved to close the public hearing. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Ms. Ball stated that the words "within a defined area" were nebulous. Town Land Use Attorney Browning explained that the amendment is adding a definition and then prohibiting it entirely and there are no uses that would go on the "use table."

Mr. Murphy moved to approve the proposed amendments to New Shoreham Zoning Ordinance, Article 1, Section 111 General Prohibitions, Article 2, Section 202 Definitions Amusement Ride as presented. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

6. Hold a public hearing and act on proposed amendments to New Shoreham General Ordinance, Chapter 5 Fire Prevention and Protection, Article IV Fire Alarms, Section 5-75 Municipal Fire Alarm Monitoring

Mr. Murphy moved to open the public hearing on proposed amendments to New Shoreham General Ordinance, Chapter 5 Fire Prevention and Protection, Article IV Fire Alarms, Section 5-75 Municipal Fire Alarm Monitoring. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Town Manager Crawford stated that this is a housekeeping change, removing reference to the required radio box, as the noted technology is antiquated.

Mr. Murphy moved to close the public hearing. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Mr. Murphy moved to approve the proposed amendments to New Shoreham General Ordinance, Chapter 5 Fire Prevention and Protection, Article IV Fire Alarms, Section 5-75 Municipal Fire Alarm Monitoring as presented. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

7. Hold a public hearing and act on proposed amendments to Zoning Ordinance amendments to allow Mobile Food Establishments as a permitted use Section 309(D), Permitted Uses in RC/M Zone; Section 310(D), Permitted Uses in M Zone; Section 311(D), Permitted Uses in OHC Zone; Section 312(D), Permitted Uses in NHC Zone, & Section 313(D), Permitted Uses in SC Zone.

Mr. Murphy moved to open the public hearing on proposed amendments to New Shoreham Zoning Ordinance amendments to allow Mobile Food Establishments as a permitted use Section 309(D), Permitted Uses in RC/M Zone; Section 310(D), Permitted Uses in M Zone; Section 311(D), Permitted Uses in OHC Zone; Section 312(D), Permitted Uses in NHC Zone, & Section 313(D), Permitted Uses in SC Zone. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

First Warden Stover explained that the MFE amendments were originally adopted in January 2024. In February the consultants working on the state law zoning compliance presented an

ordinance that did not include the amendments adopted in January and its adoption overwrote and deleted the MFE amendments. The adoption of this ordinance will reinstate the permitted use zones for MFE operation.

Mr. Murphy moved to close the public hearing. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Mr. Murphy moved to approve the proposed amendments to New Shoreham Zoning Ordinance, to allow Mobile Food Establishments as a permitted use Section 309(D), Permitted Uses in RC/M Zone; Section 310(D), Permitted Uses in M Zone; Section 311(D), Permitted Uses in OHC Zone; Section 312(D), Permitted Uses in NHC Zone, & Section 313(D), Permitted Uses in SC Zone as presented. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

8. Act to set a public hearing date for the following amendments to the New Shoreham Zoning ordinances:

- a. Article 7 Permits, Procedures and Enforcement; Section 702 General Provisions; Section 708 Amendments to the Ordinance (Notice requirements & Pre-application)**
- b. Article 7 Permits, Procedures and Enforcement; Section 703 Procedures for Special Use Permit**
- c. Article 7 Permits, Procedures and Enforcement; Section 706 Variance**

Mr. Murphy moved to set a public hearing date of October 7, 2024 at 7:00 p.m. at Town Hall for the following New Shoreham Zoning amendments:

- Article 7 Permits, Procedures and Enforcement; Section 702 General Provisions; Section 708 Amendments to the Ordinance (Notice requirements & Pre-application);
- Article 7 Permits, Procedures and Enforcement; Section 703 Procedures for Special Use Permit; and
- Article 7 Permits, Procedures and Enforcement; Section 706 Variance.

The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

9. Discuss and act on request from Linda Pearson to consider acting on, or waiving the Town's Right of First Refusal for her attainable Unit A3 at the Salt Pond Settlement Complex

Gail Hall from Ballard Hall Sales Group was present representing Linda Pearson. She explained that the Town holds a right of first refusal on the attainable units at the Salt Pond Settlement complex. She further explained that Linda Pearson has a buyer for her attainable unit A3 for the purchase price of \$326,500. She asked the Council to consider whether to act on or waive their right of first refusal.

Mr. Murphy moved to waive the right of first refusal the Town holds on Linda Pearson's Salt Pond Settlement unit A3. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

10. Discuss and act on request of VVO Real Estate Holding, LLC for a Special Temporary Permit for the Harborside property, Plat 6, Lot 107, under Section 112 of the Zoning Ordinance

Attorney Joshua Parks and Mike Finnimore were present representing VVO Real Estate Holding, LLC. Attorney Parks explained that they were seeking a Special Temporary Permit for the Harborside property, Plat 6, Lot 107 to allow storage containers. Town Attorney Kerin Browning stated that, as requested by the Council, she and the Town Manager have worked with the applicant's counsel to come up with a screening solution for the Harborside property. They have agreed on a solution to install a fence to screen the storage containers and operations. Attorney Parks noted that the fencing proposed is 6ft tall, white, PVC, to be installed along Water Street, and a portion of Chapel Street along the Harborside property. The fence will be elevated on a riser along Water Street to shield the storage containers. Ms. Browning explained that the fence will be removed when construction begins, or when the Temporary Permit expires.

Attorney Parks noted that the new hotel building is in front of the Historic District Commission next week.

Ms. O'Neill stated that she would like the fence to run along the south side of the property as well. Attorney Parks agreed.

Mr. Murphy moved to grant a Special Temporary Permit, authorized under Section 112 of the Zoning Ordinance to VVO Real Estate Holding, LLC for a six-month period, with the potential for an additional six-months at request of the applicant, to keep tents and storage containers, contingent upon the screening of the property with fencing along the entire length of the eastern property line along Water Street; fencing along the northern and southern property lines for the length that the previously existing building would have covered; and allowing for a gap or gate in the fencing to the south for access to Odd Fellows Café storage. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

11. Discuss and act on request of Attorney Elizabeth Noonan on behalf of Island Moped, Mile-Un-Ltd, Aldo's Mopeds, The Moped Man and Ocean State Bikes requesting the Town consider reconstituting the Safety Committee on Mopeds and Bicycles

The Council generally discussed the merits of establishing a safety committee regarding vehicles. This item will be discussed at a future meeting.

12. Defining guidelines for Town Council communication with a governing body of rules or regulations that are outside of the Town's licensing or authority as related to rental vehicles and/or liquor licenses

Neal Murphy explained that there were state and federal organizations that control regulations on businesses that operate on Block Island, and in some cases the businesses are operating outside of their allowed authority. He asked for fair and equal enforcement of potential violations.

Mr. Stover stated that all communications to outside organizations should go through the Town Manager.

13. Discuss and act on the allocation of ARPA funds to finance mental health and/or community activities for the Island

Town Manager Crawford explained that she, Town Councilor Molly O'Neill, Human Services Director Allison Carley and Finance Director Amy Land are working on a mini-grant program for winter programming initiatives. She stated that they foresee requesting \$25,000 in funding and creating an application and selection process to be presented in September.

14. Review of financial reports

Finance Director Land reviewed the financial reports, highlighting the following:

- The Human Services Department, being a new department, is in the first year of its budget.
- Old Harbor revenues are coming in higher than budgeted.
- The Beach House revenues are down this summer, due to the weather.
- The mill rate is \$5.52.
- 235 households became eligible for the homestead exemption, amounting to \$293,000 needed to offset the exemption.

15. Receive and act on refund from Greenwood Emergency Vehicles of \$57,765 related to the purchase of a ladder truck authorized May 3, 2021

Finance Director Land explained that the ladder truck, acquisition authorized at the May 3, 2021 Financial Town Meeting, was purchased for \$1,283,678. As a result of delivery delays and prepayment incentives, Greenwood issued the Town a refund of \$57,765. She recommended that it be used to offset the debt service by \$7,221 per year.

Mr. Murphy moved to accept the \$57,765 refund issued by Greenwood Emergency Vehicles and establish a debt service reserve to offset the bond payments related to the life of the bond. The motion was seconded by Ms. Ball and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

16. Receive and act on Report of Town Manager (Public Works, Finance, School, School Construction Project, Library, Recreation, Administration, Harbors, Broadband, Police, Roads, Human Services)

Town Manager Crawford reported the following:

- Two new trucks have been ordered: One for the Harbor's Department; and one to be shared between Public Works and the Wastewater Inspector.
- Paving will take place in the spring, using a grant of \$300,000, and augmenting the funds with the \$1,000,000 authorized by the voters at the Financial Town Meeting.
- Human Services Director Allison Carley hit the ground running.
- A new pilot program was run this summer that provided lunch and snacks for 25 students.
- U.S. Senator Jack Reed was on-island on July 17th to announce a \$3.5 million federal earmark secured by the Senator for the first phase of a new Block Island Public Safety Complex. The following recommendations were made:
 - Set up a Public Safety Complex Building Committee
 - Hire an Owners Project Manager
- It is anticipated that the vermiculite removal project at the school will be completed this week.
- The letter from the Town in opposition to the Ambrose Swamp development was sent to the DEM.
- The Town Planner vacancy posting received one response from an out-of-state vendor. The job will be reposted, and solicitation calls will be made.
- Three proposals were received for the Corn Neck Road Resilience Strategy and Dune Restoration Project.
- Equine Encephalitis (EEE) has been identified in Rhode Island.

17. Discuss and act on Board, Commission and Committees:

a. Consider renaming the Sea Level Rise Committee to the Coastal Resilience Committee and altering their mission

It was noted that the Sea Level Rise Committee has requested that the Council consider renaming the committee and alter their mission:

Title:

Coastal Resilience Committee

Mission:

The Coastal Resilience Committee is established to gather current scientific data and build on community knowledge to advise the town on priority actions that will improve Block Island's coastal resiliency. This is done by:

- Understanding the potential threats to the island posed by sea level rise and climate change.
- Regularly engaging with the community to collect input and conduct outreach.
- Evaluating and recommending opportunities for adaptation and mitigation.

Ms. Ball moved to approve the request of the Sea Level Rise Committee to change their name to Coastal Resilience Committee and change their charge to read: The Coastal Resilience Committee is established to gather current scientific data and build on community knowledge to advise the town on priority actions that will improve Block Island's coastal resiliency. This is done by:

- Understanding the potential threats to the island posed by sea level rise and climate change.
- Regularly engaging with the community to collect input and conduct outreach.
- Evaluating and recommending opportunities for adaptation and mitigation.

The motion was seconded by Mr. Murphy and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

a. Authorize an Advisory Committee for the Hazard Mitigation and Flood Management Plan (HM&FMP)

It was noted that Town Planner Alison Ring, Town Manager Assistant Shirleyne Gobern and Hazard Mitigation Plan Update Consultant Kim Jacobs have requested the Council appoint an

Advisory Committee for the Hazard Mitigation and Flood Management Plan comprised of Town staff, residents, and stakeholders.

Mr. Murphy moved to authorize the Advisory Committee for the Hazard Mitigation and Flood Management Plan. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

b. Acknowledge resignation of Stacy Henshaw from Block Island Housing Board

The resignation of Stacy Henshaw from the Block Island Housing Board was acknowledged.

c. Appointments:

i. Zoning Board Alternate with term expiring 12/2024

Mr. Stover moved to appoint Corlies Black as an Alternate member to the Zoning Board with term expiring 12/2024. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Ms. Ball noted that two letters were received: One from Ben Martin and one from Corlies Black.

ii. Conservation Commission with term expiring 12/2024

Mr. Murphy moved to appoint Susan Gibbons as a member of the Conservation Commission with term expiring 12/2024. The motion was seconded by Ms. O'Neill and carried.

Ayes: 3 (Stover, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Martha Ball abstained.

d. Announce vacancies:

- i. Commission on Motor Vehicles for Hire: One (not MVFH licensee) (term exp. 12/2026)**
- ii. Sewer District Commission: Two Alternate positions (1-year terms exp. 4/2025)**
- iii. Water District Commission: Two Alternate positions (1-year terms exp. 4/2025)**
- iv. Conservation Commission: One position (term exp. 12/2026)**
- v. Police Advisory Commission: One position (terms exp 12/2029)**

The vacancies were announced.

Mr. Murphy moved to adjourn at 8:29 p.m. The motion was seconded by Ms. O'Neill and carried.

Ayes: 4 (Stover, Ball, O'Neill, Murphy) Nays: 0 Absent: 1 (Payne)

Millicent Highet, MMC
Town Clerk

Date Approved: 9/3/2024