

Minutes of a Town Council meeting held on January 20th, A.D. 2022 at 7:00 o'clock PM held via Zoom and Tele-conference. Members present: Paul J. Golembeske, Andrew W. Iriarte-Moore Gary S. Mataronas, Patrick McHugh and Robert L. Mushen. Also in attendance: Antonio Teixeira, Town Administrator, Richard S. Humphrey, Town Solicitor, Fire Chief Petrin, Police Chief Raynes, Laurie Dias-Mitchell, School Superintendent and John McNamee School Finance Manager.

At 7:00 PM the Council President called the meeting to order and opened a published Public Hearing for the purpose of considering a Flag Policy.

The Council President reviewed the history of the proposal to adopt a Flag Policy, noting that this evening is to consider a revision of the initial draft policy. Many comments have been received over the months of development of the policy. This evening eight (8) additional submissions have been received for filing. A few asked to be read during the meeting.

- oElectronic submission received from Claire and Stephen Johnson - filed
- oLarry Anderson – filed, comments made audibly by Mr. Anderson found in minutes
- oMaureen and Steve Rego - read
- oCarolyn Montgomery - read
- oFrancine Desilets - read
- oCushing Anderson - filed
- oPaul G. Clifford – filed, comments made audibly by Mr. Clifford found in minutes
- oBarbara Passmore - read

Councilor Mushen stated that all comments seem to agree that the US Flag, State Flag and Town Flag all appropriately belong on municipal flagpoles. All agree the Flag of the United States represents all citizens. Councilor Mushen see's three outcomes to this evening's Public Hearing:

- 4)Adopt the ordinance as currently proposed
- 5)Re-draft the wording, or direct that it be re-drafted
- 6)Set aside from any further consideration

Councilor Mushen stated that he currently believes this should be set aside. Those letters accepted this evening were read or if the author was in attendance they were asked if they wished to speak.

Larry Anderson spoke briefly commented that he believes there is not a compelling need to adopt an ordinance now as the past practice has seemed to work well. If this was to be adopted he would hope the Council would exclude the School Flagpole as there seems to be state law governing that pole. He also noted that the US Code seems to codify what would happen with the US Flag being silent on State or Municipal governmental flags.

Richard Humphrey asked to speak and commented that he believed this should be set aside.

Paul Clifford thanked all that drafted the ordinance proposals for their hard work, but does not feel it is necessary to change the existing policy of handling flag requests on a case-by-case basis.

Jenna Magnuski feels this is an appropriate compromise to the prior version of the policy, but believes the current draft is in need of amending. She makes several specific comments: 1) Looking to see the US Code followed, especially lighting; 2) If policy adopted the Supreme Court Decision may have some impact,

3) School flagpole is not clear, it should either be included or excluded, 4) the Pole at Pikes Peak may be the next pole to receive requests for specialty flags.

Laura Busenbark wondering how far this policy will effect such things as flying flags for special recognition, i.e. Baby Day, Coast Guard Day, Army Day etc. Sees no reason to exclude other flags, wants all-inclusive for everyone. Councilor Mushen noted that the current draft does not preclude someone from petitioning the Council that a flag be flown, it does not speak to any restrictions.

Caroline Wilkie Wordell doesn't agree that the Town Council should accept petitions for other flags to fly at town owned locations. She believes it puts the town in jeopardy of possible future litigation.

A petition to the Council may be written at any time for consideration.

Motion made by Councilor Iriarte-Moore, receiving a second by Councilor McHugh, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To close the public hearing to consider adopting a Flag Policy.

Motion made by Councilor Mushen, receiving a second by Councilor Iriarte-Moore, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To set aside a proposal to adopt a Flag Policy with no further action.

In response to Councilor McHugh it was clarified that this vote still allows a person to petition the Town council to fly a flag. Councilor Mushen stated that he does not see this as a defeat and expressed his appreciation for all involved in drafting and discussion.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve, as written the December 16, 2021 Town Council meeting minutes.

Announcements:

3. At-home COVID test kits will be distributed by the Fire and Police Department on Sunday, January 23rd from 10 am to 2 pm while supply lasts. The state has given the town a limited supply at this time.
4. You may also order at-home test kits through the US Postal Service website for free.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To place on file the following Department Head Reports:

9. Fire Department – Activity Report December 2021 and 2021 End Year Report
10. Building Department – Analytics for 2021 for records submitted
11. Public Works – Activity for October and November 2021
12. Town Clerk – Activity December 2021 and 2021 End Year Report
13. Police Department – Activity Report December 2021
14. Tax Assessor – Activity Report December 2021 and summary of 2021
15. Town Administrator – Activity Report December 2021
16. Finance Director – Activity Report

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, in favor (Golembeske, Iriarte-Moore, Mataronas, Mushen) voting opposed (McHugh): To approve the extension of Special Directive 5 – Extension of State of Emergency, revision #18 25, February 2022.

Laurie Dias-Mitchell, Superintendent of the LC Wilbur McMahon Schools introduced RI Dept. of Education Stage II submission synopsis for the Council to consider approving. John McNamee, Finance Manager for Wilbur McMahon Schools noted that the intent would be to place any or all potential projects within the proposal due to the fact that some incentives may expire while others may be activated and the town would not be eligible for a project if it was not listed within this submission.

He also noted that financing varies, but normally the towns would pay back over a period of time. There were no questions for the Architects signed into the meeting. Councilor Mataronas is opposed to wish list projects fearing too many projects may be asked to be funded at some future date.

Motion made by Councilor Mushen, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve the submission of RI Dept. of Education Necessity of School Construction application – Stage II submission to the School Building Committee Authority, such approval does not constitute a commitment of funding.

Councilor McHugh added his gratitude to the Superintendent and all involved for doing an outstanding job with this proposal.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To appoint Jonathan Babbitt, Carol L. Trocki and William Richmond to serve on the Conservation Commission for terms expiring January 31, 2025.

Motion made by Councilor Mataronas, receiving a second by Councilor McHugh, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To re-appoint Scott Morrison and Tom Grimes to serve on the Harbor Commission for terms expiring February 1, 2025.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To re-appoint Sal Marinosci and Robert Murphy to serve on the Planning Board for terms expiring February 1, 2026.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To conduct interviews with two (2) candidates for a single vacancy remaining on the Planning Board, said interviews shall be set up for 6:30 PM prior to the next Council meeting of February 10, 2022.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To re-appoint Edmund Maiato to serve on the Recreation Committee for a term expiring February 1, 2025.

Motion made by Councilor Mataronas, receiving a second by Councilor Iriarte-Moore, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To re-appoint Jason Burchard, of Sakonnet Tree Inc. to serve as the Town's Tree Warden for the ensuing year.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To amend and correct the Salary and Benefits listing to remove reference to Part-time Dispatchers as they are covered under the LC Municipal Employees Union Contract, and to stipulate the rate of \$17.50 for a Per Diem (Part-Time) Clerk in the Town Hall as that is the current rate paid to an existing PT Clerk in the Town Hall.

Councilor Mushen notified his fellow Councilors of a grant opportunity from Senator DiPalma to apply for a legislative grant to be used for the Little Compton Senior Club. Informational only.

Peter Medeiros Building Inspector/Zoning Official has submitted a request to consider amending the Town's zoning ordinances requesting a new section be added that any new or added structure over 600 sq. ft. implement a Storm Water Mitigation Plan; and that a definitive clarification be added to Use Table 1-B in the Table of Accessory Uses, specifying whether or not sleeping quarters are allowed in accessory structures such as garages, studios, etc. The Planning Board would be the first step in reviewing and commenting on this request.

Geoff Manning agreed that there needs to be better clarification of the definition of bedroom vs. sleeping quarters.

Larry Anderson feels this is timely and glad there may be some uniformity set to apply the code.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To refer to the Planning Board a recommendation of the Zoning Official to amend the Town Zoning Ordinance and to request they return to a future Council meeting with a recommendation for the definition clarification and comment on the proposal.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve a request of the Town Administrator to advertise an RFP for a Construction Management Firm to assist with several Town construction projects.

Councilor Iriarte-Moore mentioned that he initially asked that the RI Resiliency Projects be included in this RFP, but was told that the RI Infrastructure Bank will be assisting in this fashion for those projects.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve a recommendation to be sent to the Budget Committee of a salary of \$61,000 for the elected Town Clerk for FY23.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To set the Annual Financial Town Meeting date for FY23 to be held on Tuesday, May 17, 2022 at 7 PM.

At this point in time it is anticipated that the Annual Financial Town Meeting will be in-person, subject to change as COVID limitations may or may not arise.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To grant permission for the Town

Clerk and Town Administrator to conduct interviews with applicants for the position of Part-Time Clerk of the Planning, Zoning and Building Inspector and return with a recommendation.

Motion made by Councilor Golembeske, receiving a second by Councilor Iriarte-Moore, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve the Town Administrator's request to hire Sandra Matrone Mack as Bond Counsel for the Town for the upcoming financing needs.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To place on file a communication received from Revolution Wind relating to the proposed Wind Project under the same name.

Richard S. Humphrey recused himself from the following matter:

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To move a request for budget funding received from the LC Village Improvement Society in the amount of \$10,000 to the Administrator to include in the budget draft for review.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To move a request for budget funding received from the LC Prevention Coalition in the amount of \$750 to the Administrator to include in the budget draft for review.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To approve a request for a Mobile Food Establishment permit received from Laura Sebastian d/b/a Atomic Blonde Ice Cream for use in a mobile food truck, contingent upon meeting all state and local requirements.

Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): To place on file the consent calendar as follows:

5. Copy of resolution adopted by the Cumberland School Committee requesting the RI General Assembly support the extension of S16-7-40, increased school housing ratio.
6. Copy of a letter to the State Auditor General requesting an extension until 31 January 2022 for the filing of the Town's FY21 audit report.
7. Copy of a resolution adopted by the Lincoln Town Council requesting the General Assembly to increase the frequency of basic police training academy opportunities to satisfy the current demands of municipal police departments.
8. Letter from the RI Auditor General granting an extension of the Town's annual audit report to January 31, 2022.

Motion made by Councilor Golembeske, receiving a second by Councilor Iriarte-Moore, voting by raised hand, all in favor (Golembeske, Iriarte-Moore, Mataronas, McHugh, Mushen): That the bills be allowed and ordered paid as follows: \$39,788.69

Electrical Wholesalers Inc. - Maintenance\$207.12  
Griggs & Browne - Town Hall\$300.00  
Griggs & Browne - 30 Commons\$80.00  
Site-Ready Materials & Recycling - Highway\$1,906.46  
JC Madigan Inc - Highway\$101.95  
Eastern Salt Co. Inc. - Highway\$2,284.44  
Medeiros & Sons Const. Inc. - Highway\$691.38  
Tiverton Materials - Highway\$71.42  
Caseys Oil - Public Safety Complex\$536.76  
Caseys Oil - Public Safety Complex\$729.39  
Caseys Oil - Town Hall\$400.27  
Caseys Oil - Town Hall\$444.07  
Caseys Oil - 30 Commons\$192.87  
Caseys Oil - 30 Commons\$161.01  
Caseys Oil - 32 Commons\$141.41  
Caseys Oil - 32 Commons\$175.21  
Clinical1 - Amb. Reimb. Fund\$435.00  
Bound Tree - Amb. Reimb. Fund\$866.98  
Life Raft & Survival Equip. - Amb. Reimb. Fund\$1,255.90  
Southcoast Hosp. Group - Amb. Reimb. Fund\$123.86  
St. Anne's Hospital - Amb. Reimb. Fund\$5.40  
Firematic Supply Co Inc - Amb. Reimb. Fund\$415.76  
Bound Tree - Amb. Reimb. Fund\$28.45\$3,131.35  
RI Hydraulics Co Inc. - Public Safety Complex\$335.58  
D&D Overhead Garage Doors Inc - Public Safety Complex\$2,800.00  
Griggs & Browne - Public Safety Complex\$50.00  
Griggs & Browne - Public Safety Complex\$50.00  
Home Depot - Public Safety Complex\$218.05  
Crystal Rock - Fire Dept.\$50.04  
Rob's Auto Care Inc. - Fire Dept.\$235.31  
Specialty Vehicles Inc. - Fire Dept.\$322.53  
Cox - Fire Dept.\$75.58\$683.46  
Pannone Lopes Devereaux & O'Gara LLC - Legal other\$967.50  
Sweet Birch Consulting LLC - Wilbour Woods\$1,800.00  
Fall River Modern Printing Co. - Seniors\$965.00  
Cox - Police Dept.\$60.00  
Cox - Police Dept.\$64.17  
West Place Animal Sanctuary - Police Dept.\$458.00  
West Place Animal Sanctuary - Police Dept.\$458.00  
West Place Animal Sanctuary - Police Dept.\$458.00  
WBMason - Police Dept.\$83.51  
Scott N. Raynes - Police Dept.\$100.00  
Verizon - Police Dept.\$82.93  
Rob's Auto Care Inc. - Police Dept.\$55.00  
Rob's Auto Care Inc. - Police Dept.\$55.00  
Crystal Rock - Police Dept.\$67.94

State of Rhode Island - Police Dept.\$90.00  
NEACOP - Police Dept.\$100.00  
University of RI - Police Dept.\$8,440.00  
Axon Enterprise Inc. - Police Dept.\$375.00  
AT&T Mobility - Police Dept.\$48.01  
AT&T Mobility - Police Dept.\$19.84\$11,015.40  
Messenger Security Systems Inc. - Town Hall\$249.00  
WBMason - Town Hall - Clerk - Administrator\$93.95  
WBMason - Town Clerk \$9.12  
Fall River Modern Printing Co. - Harbor Mngt. Fund\$102.95  
Michael Massa - Harbor Management Fund\$30.79  
CS&M Tele-Systems Inc. - Town Hall\$308.36  
WBMason - Finance Dept.\$17.48  
EastBay Media Group - contingency\$60.00  
EastBay Media Group - Probate\$30.00  
EastBay Media Group - Probate\$30.00  
Postmaster - Assessor\$174.00  
Alarm New England - Town Hall\$265.00  
GovOS Inc. - Town Clerk - Historical Records Fund\$1,409.88  
Petro - Gasoline\$1,406.39  
Petro - Diesel\$545.59  
Petro - Gasoline\$528.62  
Petro - Diesel\$483.73  
Nationalgrid - Cell Tower\$461.11  
Nationalgrid - Transfer Station\$340.71  
Nationalgrid - Adamsville Street Lights\$607.11  
Nationalgrid - Town Hall\$672.93  
Nationalgrid - Public Safety Complex\$1,245.48  
Nationalgrid - IOOF\$26.68  
Nationalgrid - 32 Commons\$33.25  
Nationalgrid - Peckham Lot lights\$29.25  
Nationalgrid - Street Lights\$26.87  
Nationalgrid - Town Dock\$41.85  
Cox - 32 Commons\$118.49  
Having no further business before the Council the Council President declared the meeting adjourned at 8:19 PM.

Carol A. Wordell, CMC, Town Clerk