

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**Approved 1/28/13**

**COUNTY OF NEWPORT**

**At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 14th day of January 2013 A.D. at 7:00 p.m.**

**President Roderick opened the meeting with the Pledge of Allegiance to the Flag.**

**Roll Call: Edward A. Roderick-President    William P. Gerlach  
Denise M. deMedeiros-Vice President - Absent Jay J. Lambert  
James Arruda    Brett N. Pelletier  
Joan B. Chabot**

**Town Administrator, James C. Goncalo and Town Solicitor, Andrew M. Teitz were also present.**

**TOWN COUNCIL PROCLAMATION RECOGNIZING CARDI'S FURNITURE**

**P R O C L A M A T I O N**

**WHEREAS: Cardi's Furniture has been a family owned business since 1928; and**

**WHEREAS: Cardi's Furniture has received numerous Certificates of Appreciation for outstanding support; and**

**WHEREAS: Nicholas Cardi Jr., Ron Cardi and Peter Cardi and the**

**Staff at Cardi's Furniture have shown continued generosity for over ten years for Toys for Tots ; and**

**WHEREAS: the United States Marine Corps Reserve through the Toys for Tots program has been providing many children from Tiverton as well as children from the area with toys ; and**

**WHEREAS: The Town of Tiverton is grateful and appreciative of those services;**

**THEREFORE BE IT RESOLVED: That we take this opportunity to express our heartfelt appreciation and congratulate Nicholas Cardi, Jr., Ron Cardi and Peter Cardi and the Staff at Cardi's Furniture on being able to provide for the less fortunate; and**

**BE IT FURTHER PROCLAIMED: That the Tiverton Town Council does recognize the services of**

**NICHOLAS CARDI, JR., RON CARDI AND PETER CARDI And THE STAFF AT CARDI'S FURNITURE**

**and encourages all Tiverton residents to join The Tiverton Town Council in thanking and recognizing Cardi's Furniture for their numerous philanthropic efforts.**

**FOR THE TIVERTON TOWN COUNCIL Edward A. Roderick, Council President January 14, 2013**

**Approval of Consent Agenda:**

**All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be**

removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

**CONSENT AGENDA:**

**A-1-Approval of Minutes of Previous Meetings:**

**a.Approval of Minutes From Regular Council Meeting December 10, 2012**

**b.Approval of Executive Session Minutes of December 10,2012**

**c.Approval of Special Meeting January 7,2013**

**A-2-Receipt of Minutes from the Following Boards, Commissions:**

**a.Board of Canvassers (6)                      e.Tiverton Prevention Alliance**

**b.Wastewater Management (2)                f.Art Council (2)**

**c.Historical Cemeteries                      g.Pocasset Cemetery Commission**

**d.Library Board of Trustees                h.Planning Board (2)**

**A-3-Correspondence – Receive and File:**

**a. Sakonnet River Bridge Resolution From City of Fall River Regarding Tolls**

**b. Sakonnet River Bridge Resolution From Town of Portsmouth Regarding Tolls**

**c. City of Fall River City Council Veterans Liaison Regarding Sakonnet River Bridge**

**d. Evan Smith, President & CEO of Discover Newport Submitting Letter by Diane Hurley, CEO of Newport Grand Regarding Tolls on Sakonnet River Bridge**

**A-4-Kate Michaud, Planning Board Administrative Officer's December Activity Report**

**A-5-Denise Saurette, Treasurer – November 2012 Revenue and Budget Reports**

**A-6-Tiverton Conservation Comm – Notice of Workshop Regarding State of Our Waters Wednesday, January 16th, 2013**

**Motion by Councilor Pelletier, seconded by Councilor Lambert to accept consent agenda. Unanimous.**

### **BUSINESS BROUGHT BEFORE THE COUNCIL**

#### **OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS:**

**Barbara Pelletier thanked the anonymous donor for stringing the lighted comet between Ft. Barton and the Town Hall. Suggested ways of expanding the tax base by making it easier to open a business in Town, receiving discouraging feedback on Tiverton for business, combining the brochure with Little Compton which has more tourist venues. Presented the Council with a Nonquit School mug filled with candy.**

#### **PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

**Marcel Valois, Economic Development Foundation – Update of Progress and Direction of Tiverton Business Park**

**Marcel Valois, RI Economic Development Foundation (EDFRI) gave the Council an update on the progress and direction of the Tiverton**

**Business Park (TBP), known as the Industrial Park. Mr. Valois was here several months ago reviewing the accomplishments. Accompanied to this meeting by John Riendieu, RI Economic Development Commission and Jodi Sullivan, Newport Chamber of Commerce. The engineering looked at the 177 acres north of Fish Road and Route 24, only 100 really developable acres, has wetlands, ledge and steep slopes. The plan has gone through the Planning Board subdivision process, got all approvals from the State Department of Environmental Management (DEM) for a Master Plan. The price tag for overall development costs estimated to be \$9.2 million dollars. A second option was developed which lowered the public infrastructure, eliminated roads by increasing the amount of sellable acreage. This option reduced development costs to \$3.5 million where the Town puts modified portion of improvements, developers and investors do the rest. The Town approved of lot sizes for 2-3 acres, redesigning the 21 lot subdivision. Mr. Valois worked with Town Administrator Goncalo and the State to identify Federal funding sources. In talking to the regional U.S. Department of Commerce (EDA), very clear the Town needs a matching share, usually 50%, average cost \$2.5 million. The EDA expressed interest, have to submit a significant application, suggested to have a firm commitment of local match lined up. The EDA is also called on for disaster relief, some money will be redirected. Also contacted the U.S. Department of Agriculture which has a rural development program, Tiverton not eligible, population exceeds 10,000. Recognized the Water/Fire District in the past has received funds for**

sewer and water improvements, possible a grant request from them may be eligible for a 45% federal match. Talked to Tiverton Power, expressed some interest if the Town puts in sewers, would have to do a cost benefit analysis for a gravity line sewer. Working on finding funding sources to defray the cost.

Looking at the next steps, can sell as is, suggest doing that on a regional/national basis, unlikely for major development given the nature of the economy, can landbank or the Town can develop by identifying ways to match the \$2.5 million locally, have to do some investment. Willing to work with the Town to get Federal funding, identifying the Town's share. The EDA takes applications on a quarterly basis, could take 6 months to a year if the money is in the pot. Mr. Valois noted the good planning in option 2 by eliminating the cul de sac, connecting to the adjoining land may need more discussion. Estimate up to one year for financing, 6-9 months for construction for a 10 year build out. Will put a tentative timeline together for a future meeting with the Council. President Roderick thanked Mr. Valois.

The Town Council was sitting as the Board of Licensing Commissioners:

#### **BOARD OF LICENSING- PUBLIC HEARING – ADVERTISED**

**Jeffrey T. Nagle, 330 So. Christopher– Requests Approval of Annual Renewal of Private Detective License - Subject To Meeting All Legal**

## **Requirements**

**Police Chief Thomas Blakey explained to the Council the applicant had not returned a background check as required. Town Clerk Nancy Mello suggested continuing to the next meeting and re-contacting Mr. Nagle.**

## **APPOINTMENTS & RESIGNATIONS:**

**Interviews for Boards and Commission Vacancies Advertised For Appointments on January 14th**

**a.Economic Development – Michael S. Burk, 67 Durfee Road**

**b.Stone Bridge Committee – Mary Ziepniewski, 1723 Main Road**

**The Town Clerk had received an email from Mr. Burk withdrawing his appointment request. President Roderick requested the Clerk send a letter thanking Mr. Burk for his interest. Town Clerk Mello explained the Clerk's Office tried to contact Ms. Ziepniewski several times by mail, phone and email, had not received a response. This appointment renewal was up last June, have made every effort to contact.**

**The applicants for Appointments to Boards and Commissions were previously interviewed.**

## **Appointments to Boards and Commissions**

**Juvenile Hearing Board – One Vacancy for Alternate Expiring 10/13/2013**

**Applicant - Donna Cook, 192 Hilton Street**

**Councilor Lambert made a motion, seconded by Councilor Chabot to appoint Donna Cook as an Alternate for the Juvenile Hearing Board for a term expiring 10/13/2013. Motion passed unanimously.**

**Stone Bridge Committee – One Vacancy Expiring 4/15/2015**

**Applicant - Harris Gruber, 345 Hancock Street**

**Councilor Pelletier made a motion, seconded by Councilor Gerlach to appoint Harris Gruber to the Stone Bridge Committee for a vacancy expiring 4/15/2015. Motion passed unanimously.**

**Economic Development – One Vacancy Expiring 7/15/2015**

**Applicants –Susan Gill, 1392 Main Road Michael S. Burk, 67 Durfee Road**

**Councilor Lambert made a motion, seconded by Councilor Chabot to appoint Susan Gill to the Economic Development Committee for a term expiring 7/15/2015. Motion passed unanimously.**

**President Roderick requested the Clerk send letters to all applicants. Town Clerk Mello noted a request for Council liaisons to Prevention Coalition and Newport Chamber of Commerce were received, will be on next agenda.**

**UNFINISHED BUSINESS:**

**Councilor Gerlach – Current Status of Stafford Pond Water Quality – Continued From December 10th Meeting – Solicitor’s Response**

**The Status of Stafford Pond Water Quality was continued from the**

last meeting for further research from the Solicitor in response to Councilor Gerlach's question as to who has the legal authority to enforce the Stafford Pond. Solicitor Teitz responded verbally, two levels of possible regulation, if it can be determined who owns the bottom of the pond would have certain rights, falls to DEM, still looking into it. There was some type of lawsuit in the late 1980's about drawing water from the pond, was apparently settled, still pursuing. One other issue is the General Assembly gives authority, one portion to DEM which has regular regulations responsible for environmental and Department of Health (DOH) for water drinking supply. Locally charged to Conservation Commission, can petition to DEM to impose stricter rules and regulations. In general as a practical matter have local legislators address. Councilor Lambert contacted John Friar, head of the Fall River Water Department, knows the history of the pond, says Fall River owns, was simply to serve the mills, only goes into South Watuppa pond, Fall River will do whatever is necessary to protect the water quality. Solicitor Teitz has contacted Terry Sullivan in the Fall River Department of Sewer and Water. Fall River may regard as a tertiary (secondary) water supply, limited boating allowed on South Watuppa. Councilor Lambert noted according to Mr. Friar, Stone Bridge Water has an obligation to notify the Town. Solicitor Teitz planned to add those lists of names to the contact list. Similar situation in Burrillville, two separate sets of rights, underneath the pond and water rights.

Tom Ramotowski, Conservation Commission Chair, was concerned,

**Fall River and Tiverton water systems connected, if safe for Fall River also safe for Tiverton, looking into the airplane issue. There are two federally recognized seaplane landing areas, the pond and a grassy area north and west of the pond, looking into entities to disallow this use. South Watuppa is also a federally recognized sea plane landing area. Concerned about big boats, no facilities, may contribute to pollution, some homes may not have acceptable septic systems. Solicitor Teitz will coordinate communication, will report back, try to map out a game plan after Wednesday night's meeting. Part of the initial request was to get water quality data. Chair Ramotowski suggested that data may be available from Stone Bridge.**

#### **Town Administrator – Sale of Nonquit School**

##### **a.Submitted Proposals – (5)**

##### **b.Approval of Purchase and Sale Agreement**

**Town Administrator Goncalo explained there were five quotes to purchase Nonquit School, was given direction by Council to negotiate with the highest bidder. Have the results, the purchase and sale was reviewed by the prospective buyer and accepted, once Council approved the buyer has 30 days for due diligence. Have copies of 2 checks, a deposit of 5% was required. Councilor Arruda noted a typo in item 8, the date that is in parenthesis in the fourth line. Important point of clarification in the agreement is the purchase price, conforming use. Solicitor Teitz also pointed out the agreement was not contingent upon any sort of financing, buyer requested 30 days, as of January 1st, State Law provides for 10 days. Once 30 days has**

past, closing will be on February 28th. Confirmed the Town is not using the school, anything in the school is theirs; the Town will provide a zoning certificate for a single use residence. Councilor Pelletier noted the Council came to an arrangement on how the property will be assessed for real estate taxes, and confirmed authority by Solicitor. Concerned set some sort of methodology going forward. Solicitor Tetiz explained the Council clearly has the authority, can abate the taxes at any point. Used common methodology used by Tax Assessors, recently used same methodology in another community for the sale of a surplus fire station. Improvements based on permits and inspections by the Assessor, they can provide receipts, provides a basis if there is a disagreement and an appeal. Councilor Gerlach questioned any legal recourse in the initial proposal keeping a cultural aspect. Solicitor Teitz noted, based on the agreement is discretion of the buyer, not putting a restriction on it. President Roderick noted the sum in question for the purchase price was \$101,000.00.

Councilor Pelletier moved the Council authorize the execution of the Purchase and Sale Agreement and the documents effectuating the sale itself by the Town Administrator for the Nonquit School to Cynthia R. Hanssen as indicated in the Purchase and Sale Agreement in Exhibit E-2b. Seconded by Councilor Lambert, motion passed unanimously.

**FINANCIAL BUSINESS:**

**Councilor deMedeiros – Review of Proposed 2013/14 Budget**

**Town Administrator – Distribution of Updated 2013/14 Proposed Budget**

**Councilor deMedeiros, absent, had requested the review of the Proposed 2013/14 Budget be on every agenda through the budget cycle. T/A Goncalo had not given the proposed budget to the Budget Committee yet.**

**NEW BUSINESS:**

**Philomena Santos-Higgins, Development Director Cystic Fibrosis Foundation – Request Council Authorization for 62 and 25 Mile Bicycle Ride in East Bay on Saturday, September 28, 2013 from 7:30a.m. to 2:00 p.m. to Start and Finish at Sakonnet Vineyards**

**a. Police Chief Blakey Recommendation**

**Philomena Santos-Higgins, Development Director of the Cystic Fibrosis Foundation requested Council authorization for a fundraising bicycle ride to be held on September 28, 2013. Ms. Santos-Higgins explained last year's event had 90 cyclists, raising more than \$50,000. Chief Blakey gave a positive recommendation; they agreed to have a police detail officer for the event. President Roderick noted it was a worthwhile event.**

**Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Cystic Fibrosis request for Council authorization for a 62 and 25 mile bicycle ride on Saturday, September 28, 2013 from 7:30 a.m. to 2:00 p.m. Motion passed unanimously.**

## **Jeffrey Belli – Solution to Abuse of the PAYT Free Bag Program**

**Jeff Belli requested Council consideration of a solution to the abuse of the Pay As You Throw (PAYT) Free Bag Program. Mr. Belli handed out to the Council a copy of a newspaper article about people seeking refunds for free bags. Mr. Belli suggested the Town can't afford to give free bags to those who abuse, suggested stopping the program. President Roderick noted it was unfortunate, needs to be tightened up, some people do need it, have to take into consideration the overall good. DPW Director Berlucchi and the T/A will look at taking steps to minimize. Councilor Lambert suggested only being able to return the bags to the DPW. The article points out the people doing the returning are young people. The T/A explained the number of people in the free bag program is half of the previous year, now require the first page of the income tax return. Councilor Pelletier noted, can look at harder, doesn't have quantifiable data, suggested calling stores to ask for that information. Solicitor Teitz added if there is proof the Town can prosecute. DPW Director has notified venders not to accept returns.**

## **Councilor Arruda – Reports From Town Departments to Council**

**Councilor Arruda explained, residents are asking in general what is going on in Town, etc. Not asking for full reports, just a synopsis. President Roderick explained this was under the Administrator's purview. T/A Goncalo had no issue with Dept. Head reports to him or the Council, have several copies of a Dept. Head report available can**

make public and can put on website. President Roderick suggested a quarterly report. T/A Goncalo had reports available, if the Council had specific questions could have that department head in attendance. T/A Goncalo will leave on the Council table the report that was available.

#### **BIDS AND REQUESTS FOR PROPOSALS:**

**Town Administrator – Approval of Bid Award for Pump Out Boat for \$53,665 to Bay Sails Marine, Inc. Wellfleet, Ma – Subject To Meeting All Legal Requirements**

T/A Goncalo requested approval of a bid award for a Pump Out Boat, explained the previous Council authorized the Harbormaster to seek bids for a pump out boat, is in next year's budget for \$13,871, estimated revenue of \$3,500, project a loss of \$10,371, obligated to conduct the program for ten years. The boat is from Bay Sails Marine, Inc., 21 footer with a 275 gallon holding tank, costs \$53,665, the Town match would be \$13,416, not budgeted; grant amount is \$40,249. Lengthy discussion followed. Harbormaster David Vannier and Harbor Commission Chair, Bruce Cox appeared before the Council on this item. Chairman Cox explained the State of Rhode Island is one of the few states where the entire state is designated a no dumping zone. In the Harbor Management Plan is an exhibit stating we will acquire a pump out boat. Mooring fees amount to \$55,000, the operating budget of the boat is \$21,000, to retain this income stream need a Harbor Management Plan (the Plan). Part and parcel approved by Coastal Resources Management Council (CRMC). DEM is the water

quality arm of the state, CRMC governs water usage, Plan has requirement for water quality certificate. To get one need a pump out boat, has a cost and an income stream. Had a clean water issue at Fogland, ecoli, was closed for a significant time. Sold Marine 1 for \$4,000, if not bought this year have to take the CRMC exhibit out of the Plan, is a process, do have an approved grant for a pump out boat. Tiverton has some of the longest shoreline in the State, active boating area, trying to tailor for visitors. Harbormaster Vannier explained the original thought was each mooring owner to pay but each mooring is different, not all have a sanitation device, will be slow at first, is a cost to dispose, Standish Boatyard is the only facility in Town, problem is that it is half mile from Fogland, have a substantial visitor vessel population.

Councilor Arruda questioned if there was a direct link for Fogland closing. Chairman Cox explained the closing was in the summer, vessels were in the area. Councilor Arruda also noted this request was cut by the Budget Committee last year. Laura Epke, a member of the Budget Committee added the Council did approve but the Budget Committee did not put back in the budget. President Roderick explained when the grant came up the budget process was done, took advantage of having a grant. Councilor Pelletier recalled a couple of discussions where the Harbormaster might retrofit Marine 1; Council did not act at that time. Later came to a conclusion to buy a boat, did give authorization. Looked at used vessels, the risk outweighed the initial cost savings, was better to buy something new

with a warranty. Chairman Cox explained the potential was there to risk losing mooring fees, the bottom of the water is owned by the State, CRMC gives authority to charge mooring fees. Harbormaster Vannier noted the Town now has a Harbor Plan approved by the Council, DEM waiting for this along with amendments to Chapter 14, have enforcement under the Code, CRMC will approve with contingency, DEM and the Army Corps. Do not have an active Harbor Plan since 1993, should be done every 5 years, DEM can come in at any time. Councilor Pelletier requested a breakdown of the mooring holders. Joe Sousa was not in favor, called it a capital expenditure without public approval. Barbara Pelletier suggested property values could be reduced, several million dollar homes for sale, will affect tax revenue. Laura Epke questioned the Town Administrator on the ten year program mentioned, the ramifications of not budgeting, would have to pay DEM back. Against Council approving, should have the discussion this budget session so the people can hear it, what kind of service do you get for 10 hours.

Chairman Cox was aware of the budget issues, the mooring fees were increased by the Council last year. Ms. Epke encouraged the Council to put in the budget process, consider the revenues. Jeff Belli suggested the money could be better spent, owners should be responsible enough. Harbormaster Vannier noted there were 75 commercial and nonresident moorings. Chairman Cox added the nonresident moorings in Tiverton are a bargain, cost \$325 for a basic mooring, increased cost of boat could probably be offset by

increased mooring fees. Town Councilor Arruda pointed out there is no guarantee people will stop polluting if the Town has a boat. Harbormaster Vannier explained of the other facilities mentioned by Mr. Sousa, Starwood, the Tiverton Yacht Club, Quality Yacht, do not exist. Councilor Pelletier noted it made sense to have in the water, need a solution to the problem, kudos to Mr. Cox and Mr. Vannier to look where to house the boat for free, can contribute to financial feasibility. Councilor Arruda disagreed it worth actually spending the money. Councilor Pelletier, water is a delicate asset, the boat is one part of the solutions by providing a service. President Roderick wanted more information, this was needed, shoreline is asset to the Town. Councilor Lambert noted the Town has a tremendous number of volunteers, appreciate the work they do on a number of issues, tends to defer to the Board or Commission, they put in hours of work.

The motion failed on a vote of 3-3, Councilors Lambert, Roderick and Pelletier in favor, Councilors Gerlach, Arruda and Chabot opposed. Councilor Lambert made a motion for approval of the Bid Award for a Pump Out Boat for \$53,665 to Bay Sails Marine, Inc. The motion was seconded by Councilor Pelletier, further discussion followed. Councilor Chabot questioned if the T/A found the funding from this year's budget for the grant match, \$13,416. T/A not located funding at this time. Councilor Gerlach appreciated everyone; don't see how we should not look into making the difference by increasing fees for next year. Councilor Chabot noted local boaters are responsible, should not put on the back of the mooring holders who do not have facilities

and they know where the stations are, will not solve the problem of ecoli. Have to have expenditures approved by the citizens of the Town, is an expense, agree with the BC, what do Little Compton and Portsmouth do? Councilor Chabot moved the question.

Harbormaster questioned the Council, where he goes from here and if he should notify DEM we do not want the grant. President Roderick noted he should notify DEM and could request to come before the Council again.

#### **TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

- 1. Tax collections .15% ahead of last year, \$55,000.**
- 2. The Trust annual dinner, Councilors intending to go respond by 1/17. Dinner is 1/24, Crown Plaza, Warwick.**
- 3. Recycling December 2011, 173 tons vs 172 tons December 2012.**
- 4. Free bag in December for PAYT-Normal week 4 times as much – 4 months in landfill**

#### **COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Chabot noted the Arts Council reception on Sunday, January 20 from 2-4pm at the Town Hall, local artists.

Bryan Peay, one of the Nonquit proposal submitters, believed he and his wife deserved at least to have proposal heard along with the other bidders. Felt decision was hasty, sees other decisions may be subject to the same process, deserved more time than the trash bags.

**Have two dates for the Budget Committee and the Town Council to meet, January 17th and January 24th, regular Budget Committee meeting scheduled for 7:30 pm. Consensus was to meet at 6:45 pm prior to the BC meeting.**

**TOWN CLERK ITEMS AND ANNOUNCEMENTS:**

**Approval of Resolution Requiring Voter ID at Local Financial Town Referendum**

**Town Clerk Nancy Mello requested approval of a resolution requiring Voter ID at the local Referendum, follows other election procedures.**

**Councilor Lambert made a motion, seconded by Councilor Chabot to approve the Resolution Requiring Voter ID at Local Financial Town Referendum. The motion passed on a vote of 5-1, Councilor Pelletier opposed.**

**The adopted Resolution was as follows:**

**TOWN OF TIVERTON**

**RESOLUTION REQUIRING VOTER ID AT FINANCIAL TOWN REFERENDUMS**

**WHEREAS, RIGL 17-1-24.2 states, "Beginning on January 1, 2012, any person claiming to be a registered and eligible voter who desires to vote at a primary election, special election or general election shall**

**provide proof of identity”, and**

**WHEREAS, voter ID strengthens the public’s faith in the fairness of our elections by enabling pollworkers to match a voter’s face to the name they give at the polls, and**

**WHEREAS, the Secretary of State’s Office, Election Division has made free Voter ID cards available to all registered voters who lack an acceptable current and valid Photo ID,and,**

**WHEREAS, Title 17 of the Rhode Island General Laws does not apply to Local Referendums, and**

**WHEREAS, requiring proof of identity at all Local Referendums would provide continuity in voting procedures for all registered voters.**

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF TIVERTON**

**resolve that registered voters in the Town of Tiverton shall be required to provide**

**proof of identity at all Local Referendums.**

**IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of January 2013.**

**Attest: \_\_\_\_\_**

**Nancy L. Mello, Town Clerk**

**Clerk requested when Council wished to have legislators attend meeting. Consensus was to have at the January 28th meeting.**

**CLOSED EXECUTIVE SESSION:**

- 1. Special Counsel Matthew Oliverio – 42-46-5(a) (2) – Litigation - O’Dell et. al. v. David Robert in His Capacity as Tax Assessor for the Town of Tiverton, Rhode Island and the Town of Tiverton Case Number NC2010-0517**
- 2. Town Solicitor – 42-46-5(a) (2) – Litigation – James Pelletier/Tiger Tree vs Tiverton**
- 3. Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Site Ready Materials and Recycling Co.**
- 4. Town Solicitor – 42-46-5(a) (2) – Quarterly Litigation Report/Auditor Opinion Letter**
- 5. Councilor Pelletier - Personnel – 42-46-5(a) (1) – Performance Evaluation of Town Administrator Notice Provided**

**Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2) - Special Counsel Matthew Oliverio-Litigation- O’Dell et. al. v. David Robert in His Capacity as Tax Assessor for the Town of Tiverton, Rhode Island and the Town of Tiverton Case Number NC2010-0517. Motion passed unanimously.**

**Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Executive Session pursuant to 42-46-5(a) (2)-Town Solicitor – Litigation – James Pelletier/Tiger Tree vs Tiverton. Motion passed unanimously.**

**Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Executive Session pursuant to 42-46-5(a) (2)-Town Solicitor -Potential Litigation – Site Ready Materials and Recycling Co. Motion passed unanimously.**

**Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Executive Session pursuant to 42-46-5(a) (2)-Town Solicitor –Quarterly Litigation Report/Auditor Opinion Letter. Motion passed unanimously.**

**Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Executive Session pursuant to 42-46-5(a) (1)-Councilor Pelletier - Personnel– Performance Evaluation of Town Administrator Notice Provided. Motion passed unanimously.**

**The Council entered into Executive Session at approximately 10:00 p.m.**

**The Council returned to Open Session at approximately 11:30 p.m.**

**OPEN SESSION:**

**President Roderick announced no action was taken in Executive Session.**

**Councilor Lambert motioned to seal the minutes, seconded by**

**Councilor Arruda. Motion passed on a vote of 5-1, Councilor Pelletier opposed.**

**ADJOURNMENT:**

**Councilor Pelletier made a motion, seconded by Councilor Lambert to adjourn, passed unanimously.**

**Council adjourned at approximately 11:35 pm.**

**A True Copy.**

**ATTEST: \_\_\_\_\_**  
**Nancy L. Mello, Town Clerk**