

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Approved 3/11/13

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 25th day of February 2013A.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 Jay J. Lambert

James Arruda Brett N. Pelletier-late arrival

Joan B. Chabot

Town Administrator, James C. Goncalo, Assistant Solicitor Gina DiCenso and Town Solicitor, Andrew M. Teitz were also present.

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.

President Roderick read the items on the Consent Agenda, no removals requested.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to approve the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a.Approval of Minutes Regular Council Meeting February 11, 2013**
- b.Approval of Executive Session Council Minutes of February 11, 2013**
- c.Approval of Council Minutes Joint Workshop of January 10, 2013
-Councilor Lambert Abstains – Not Present**
- d.Approval of Council Workshop Minutes February 6, 2013**
- e.Approval of Council Special Meeting Minutes February 18, 2013-Councilor Pelletier Abstains – Not Present**
- f.Approval of Executive Session Minutes December 18, 2012**

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

- a.Wastewater Management Commission**
- b.Prevention Coalition**
- c.Zoning Board of Review**

A-3-Correspondence – Receive and File

- a. Barbara Pelletier – Response by Director Lewis to Letter Sent RIDOT Regarding Sakonnet River Bridge Tolls**
- b. Correspondence Received From Portsmouth Fire Department Acknowledging Lieutenant Craig Committo, FF Patrick White, FF Al Souza, FF Jay Andrade, FF Tom Mello and FF Kevin Mancini Assistance With House Fire on February 8, 2013**
- c. Tiverton School Command Town of Rehoboth, MA Regarding Opposition of Tolls on Sakonnet River Bridge**
- d. R.I. Taxpayers (formerly RI Statewide coalition) Requesting Resolution Supporting Eliminating Single Party Voting by Means of a Single Mark in Future Elections**
- e. Resolutions Opposing Contract Continuation From, East Greenwich, Smithfield and North Smithfield School Committees and Burrillville Town Council**
- f. Resolutions Opposing Binding Arbitration for Teachers and School Employee Contracts From East Greenwich, North Smithfield and Smithfield School Committees**
- g. Resolutions Supporting H 5066 and S49 Moving Teacher Layoff Notices From March 1st to June 1st From Smithfield, North Smithfield, East Greenwich and Tiverton School Committees**
- h. Barbara Pelletier – Latest Meals Tax Report**
- i. Notice of Public Hearing on Leger Lane Minor Subdivision Received From Planning Board**
- j. Conservation Comm Letter to Federal Aviation Administration Regarding Seaplane Airport on Stafford Pond**
- k. Tiverton School Committee Resolution in Support of H5137 and S**

**0020 – Preventing RIDOT from Turning Control of Sakonnet River Bridge to RI Turnpike and Bridge Authority
A-4-Approval of Tax Assessor Abatements**

A-5-Treasurer Denise Saurette – January Budget and Revenue Reports

BUSINESS BROUGHT BEFORE THE COUNCIL

OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

Barbara Pelletier mentioned a letter submitted to attend a meeting on bed and breakfast businesses, very little rules. Meal tax revenue \$85,000 per year, one state sends reminders out with tax bills about the meals tax. Also concerned with an organizational flow chart on how the Town works. Getting the flyers out, Economic Development Committee rescinded the offer to help with printing. Request to revisit the ban of dogs at Town Farm. Forever Paws maintains waste stations for approximately \$220/month, should revisit letting people walk their dogs there. Fire Chief Robert Lloyd announced, received a notice from the RI EMA, awarding a generator to the Town Hall worth \$14,000. Thanked Bill Tavares for procurement, the DPW will pick up. Administrator Goncalo explained the generator will be on the south side of the building, plans for connection and the slab pouring in place. Alex Cote, speaking as a citizen, went with Chief Lloyd to accept a new pumper, was offered a demo ladder truck for \$790,000,

new one cost \$1.2 million, suggest it be considered.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS

ADVERTISED PUBLIC HEARINGS

Small Cities Community Development Block Grant– First Public Hearing - Community Development Block Grant Application Christian Belden – Church Community Housing

President Roderick opened the First Public Hearing on the Community Development Block Grant (CDBG) Application. Christian Belden, Church Community Housing explained the process, assists the Town with the application. This is the first of two public hearings, to tell the Town of the intent to apply. This benefits low to moderate income people, have received several letters of intent, among them the Housing Network, Cornerstone Adult Services, Social Ventures Partners Group of RI and Church Community Housing. Church Community applies for operating funding for revolving loan funds for several loan programs. Housing Hotline, the Women’s Resource Center and East Bay Community Action Program have also sent letters. Will get other letters between now and the second public hearing. Will be in contact with the Administrator, send ideas now. Mr. Belden explained in 2012 the Town received \$103,000 for extension of sewer lines in the North end of town, \$25,000 for Heritage Park sewer, Church Community Housing received \$30,000, the Housing Hotline \$2,000 and the Women’s Resource Center 44,000. The activities vary in any given year, the State determines the funding. In the last several years housing has been a priority. All

together the Town received \$173,000. The deadline for submission this year is April 19th.

Councilor Pelletier arrived at this time, 7:15 p.m.

Bob Martin questioned if these funds could be used for a ladder truck or for the Bay Street recreation area. Mr. Belden explained, the members of the CDBG board are appointed by the Governor under the entity of Housing and Urban Development. The award letters come from the Governor. The funds would have to serve exclusively residents of that area, in past years have not been able to get funds for some areas. The Council decides on the order of priority. Susan Schenck, East Bay Community Action Program requested consideration for \$5,000 to support operations of the Community Health Center located at 6 John Chafee Boulevard, Newport, at the CCRI campus. Serves some 100 residents of Tiverton for family practice, for community health and dental programs. Thanked for the help from the Budget and the Block Grant. Jeri Manning, Cornerstone Adult Services average helping 7 people a day, hoping to get to 25 on a daily basis. Serves 27 Tiverton residents, have an increasing presence in the community. This year implementing a Less Falls program, for falls prevention program, good to help keeping with families and for independence. For elders in a low income bracket, located at the Nancy Brayton Osborn Center. Seeing no other comments President Roderick closed the Public Hearing.

NON-ADVERTISED PUBLIC HEARINGS

DPW Director Stephen Berlucchi – Public Input Hearing for RIPDES (Rhode Island Pollution Discharge Elimination System) Small MS4 2012 Annual Report Required by RIDEM

DPW Director Stephen Berlucchi appeared before the Council with the Small MS4 2012 Annual Report on Pollution Discharge Elimination System. Every year the Town is required to submit an annual report to DEM on Stormwater and activities. Received notification from DEM about pollution in the Robert Gray/Summerfield Avenue area. Director Berlucchi handed out to the Council a color brochure on How to Minimize Pollution from Your Property. The color brochure has an area outlined in red for the targeted areas. Met with DEM, looking at trying to spend the least amount of money, will be going to all areas in red. There are pipes discharging into Mt. Hope Bay affecting water quality. A study was done by the EPA and DEM to the Fall River line and in October 2010 the Town received notice from DEM about the two areas and in clear language the Town must commit to a schedule to design and construct sewers. Informed DEM the Town was doing a Facilities Plan Update, is almost done. The cost to sewer the Old Colony area for 77 homes estimate \$1.1 million dollars, going to Main Road includes 351 homes and \$6million dollars, including other areas adds up to \$17million dollars. DEM is looking for a plan. Wastewater Management (WWMGT) is also working on their side. Comments from this Public Input Hearing will be put into this report, requires a vote of the Council.

Councilor Gerlach questioned the Stafford Pond area inspections, 55 systems have been repaired out of the 225 inspections, if there was a timeframe for the rest. WWMGT Superintendent John Lincourt explained there was no timeframe. Don't expect to start inspections in the red areas until July 2014. Councilor Gerlach asked for an estimate on the DPW canopy over the fuel station. Director Berlucchi estimated \$40,000, not high on the priority list. Councilor Chabot suggested adding to the capital improvement plan. Councilor Gerlach also questioned whether all the Town beaches have trash receptacles picked up. Director Berlucchi explained the trash receptacles were removed from Fogland because people kept bringing household trash. Councilor Gerlach suggested that should not be in that section, the report states the litter receptacles for public use are regularly picked up. John Lincourt explained they are doing everything to reduce the cost of sewer construction, looking for USDA grants, the State revolving fund, low interest loans, can't do all at once, planning for manageable sewers. Told DEM will do in stages. Director Berlucchi will make the change about the receptacles requested by Councilor Gerlach.

Councilor Roderick asked for any further public input. No further input.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve subject to the changes. Director Berlucchi will forward the final report to DEM. Motion passed unanimously.

part time building office clerk, eliminated the Pump out Boat and the Harbormaster assistant and dental and health insurance increased by \$65,000 for an increase over last year's budget by 3.09%. Councilor Gerlach questioned reducing the advertising budget, behooves the Council to try to find some funding for this, begs the question to look at the surplus. Have a short time for the Comp Plan update. T/A Goncalo noted could recommend to the Budget Committee to take that out of the surplus. President Roderick noted need to start looking at the Comp Plan and Zoning changes. The Council needs to come up with a consensus of a number to give to the T/A, see what can be substantially cut; get down to 2.5%, now at 3.9%. Councilor deMedeiros noted before were able to have carry forward funds and suggested using this year's funds for next year's spending. T/A Goncalo planned to use a good portion of the Future Needs account for police and fire contracts.

Councilor Gerlach questioned the total for the Police Pension, \$725,000, in the improvement plan states \$700,000, perhaps a typo. T/A Goncalo explained the difference, unable to achieve investment income so increased contribution. Bob Martin, Maintenance Foreman cleared a few things regarding the maintenance vehicle. Mr. Martin owns the truck, pays the insurance, the Town gives him \$2,800 per year as reimbursement, done through payroll. Town pays for maintenance, gas, oil, not much maintenance; truck is new every couple of years. Not using for personal properties, the tools are personal property, the large, major tools belong to the Town, have a

list. Councilor deMedeiros suggested getting below 3%, don't know where the School Committee is with their budget. Approximately cut the budget by \$250,000. Councilor Gerlach questioned how the Council best meets the responsibilities to the residents of the Town in times of need, maybe better served to remove some items, or take a certain amount out of the general fund as an option. President Roderick explained there was a policy to increase general fund reserves. Don't see a big dollar amount in that to touch, should look at last. T/A Goncalo suggested the Council may have to look at and reevaluate that policy, do something else, delay for a year, plow trucks are breaking down, difficult situation at best. Over the past several years have had a low percentage increase to the budget, don't want to raise taxes any more than necessary. Councilor Pelletier pointed out that policy was not mandatory, is a goal.

Councilor Arruda noted there to be a lot of capital debt occurred over the years, also have to look at what happens if you don't spend the money. Town Clerk Mello noted the \$20,000 for advertising was for next year, better to reduce, have \$15,000 in that account now, can't carry forward the advertising money, cutback is better than eliminating. Have some funds in an election account, not used, can use some of that money. Solicitor Teitz had indicated in a memo to keep the time frame, if missed will be very tight for 2013/2014. The Comp Plan needs an update, has a lot of statistical policy discussion, drafts, can do some with volunteers, already shorthanded in that department cost \$25,000 to 40,000 using volunteers. The Zoning

ordinance needs a major rewrite, should be a hybrid, and should be a readable ordinance. Committee should have three Council members, Zoning Board members, be broad based to develop a consensus, will take some time. Advertising is another cost, have to advertise maps, still required to send certified letters, cost \$6.00 per letter now. President Roderick looked for a sense of the Council, should get down to 3% or lower, come back on March 11th, should keep a portion of the advertising fund. Revenue figures need to be updated.

Councilor deMedeiros made a motion the Town Administrator look at the Budget so the increase is less than 3%. The motion was seconded by Councilor Lambert, passed on a vote of 6-1, Councilor Pelletier opposed.

T/A Goncalo suggested the Council email ideas for reductions to him. Councilor Chabot requested a schedule of vehicles with mileage and the year of the vehicle will help make informed decisions.

President Roderick requested a motion to move up item G1, Advertising for Position of Town Planner.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to move up in the agenda item, G1, Advertising for Position of Town Planner. Motion passed unanimously.

Councilor Gerlach – Advertising for Position of Town Planner

Councilor Gerlach noted due to the budget the hiring of a Town Planner has come up, the position was budgeted.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros for discussion. Councilor Lambert was not opposed if necessary, does not indicate what the responsibilities of the planner are, would like something more concrete, like to know what the relation of the Planner is to the Planning Board and to the Building Official. Request this before the Council vote, would like to see the advertising. Also would like to see a presentation what you see as a planner, the relationship to other groups and the proposed structure for those responsibilities. Councilor Gerlach agreed, need to review the job description. T/A Goncalo will provide for the next meeting the advertising and job description. President Roderick requested adding qualifications. Councilor Chabot requested the Planning Board input. Councilor Gerlach amended the motion for the Town Administrator to provide Council with the advertising, qualifications and job description for the position of Town Planner with input from the Planning Board. Councilor deMedeiros seconded the amended motion. Councilor Chabot requested asking the Planning Board if they can put on the March 5th agenda. Councilor Gerlach amended the motion to add to request the Planning Board put an agenda item on March 5th and request someone from P/B be in attendance. Seconded by Councilor Pelletier, passed unanimously.

Councilor Pelletier recused, left the Council table, father is a member

of the pension system.

Town Administrator – Approval of Police Pension Funding Improvement Plan

T/A Goncalo explained that at the end last year indicated would be filing a funding improvement plan, was approved by the Police Pension Board, forwarded to the State who contacted us, they want a Council resolution to complete the file. Councilor Chabot questioned if the additional funding was by using the landfill money. T/A Goncalo, the \$168,000 was removed by the Budget Committee. Councilor Chabot cited the second page, does not read that way. Treasurer Denise Saurette explained they gave the guidelines to follow, wanted to know how the Town came up with additional funds, was an attempt to explain reallocation of funds, did not take away. T/A Goncalo explained that budget was increased from \$550,000 to \$700,000 but not at the expense of the \$168,000. President Roderick suggested removing that paragraph completely; bring back on the 11th with changes.

NEW BUSINESS:

Tiverton Yacht Club – Attorney Kenneth Tremblay – Request Amendment to Zoning Ordinance, Article VI Other District Regulations, Section 7 a. Town Solicitor Memorandum

Solicitor Teitz explained the previous Council had a request of an

amendment change from the Tiverton Yacht Club (TYC), was referred to the Planning Board. The Planning Board after seeking advisory opinions found 5 out of 9 members were required to recuse due to a conflict. Suggest getting alternate advisory opinions' from Zoning, Conservation, Harbor and Wastewater Management. Solicitor Teitz suggested two dates for a Special Meeting, April 10th and April 29th. Solicitor Teitz suggested recommendations come back by April 8th. President Roderick reminded this part was not a public hearing, will not be taking comments, a public hearing will be scheduled. Solicitor Teitz explained if Boards could put it on a regular meeting agenda, just giving an advisory opinion. The Council will have to determine, already have a formal communication from the Planning Board. If those Boards need more time they can communicate that to the Council. Have to advertise once a week for three weeks.

Councilor Pelletier moved, that the Town Council hereby refers the attached proposed amendment submitted by Kenneth Tremblay, Esq. on behalf of Tiverton Yacht Club Inc. and Franklin D. Raposa, Peter Corr and Richard Toulin, as Trustees under Declaration of Trust dated May 6, 1957 (the "Amendment") to the Tiverton Zoning Ordinance to the following bodies: Zoning Board, Conservation Commission, Wastewater Management Commission, Harbor & Coastal Waters Management Commission. Each board and commission set forth above is requested to discuss the Amendment and, by majority vote, render an advisory opinion to the Town Council on the merits or demerits of the Amendment. The discussion shall be at a Public

Meeting, but not a Public Hearing. The Chair of each board and commission may allow, but is not required to allow, public comment during such discussion. To be considered by the Town Council, all advisory opinions must be received in writing by the Town Clerk no later than 12:00 noon on Monday, April 8, 2013. Seconded by Councilor Arruda, motion passed unanimously.

Town Administrator – Discussion and Approval of Revised Model Contract

T/A Goncalo explained, has worked with the Department Heads to revise the Model Contract, presenting a draft. Lengthy discussion followed. Was sent to the Solicitor for review, one change to Section 18, the last sentence “Failure to notify the Employee shall result in the Employee becoming an employee-at-will”. Those employees agreed on the balance of the contract. Solicitor Teitz noted the previous contract proposed was essentially an at-will contract, could be terminated without cause. This revised contract is basic contract for termination with cause. Advised the Administrator to include the last sentence, it should not automatically renew for any period of time; the employee can bring to the attention of the Town Administrator, preventing a default. Solicitor Teitz explained if the last sentence was not there, this would happen by law anyway. Councilor Pelletier noted currently only 2 department heads have contracts. Solicitor Teitz noted the real value of a contract was to fill a vacancy, can only be terminated for cause. They don’t suddenly lose benefit or pay, Town will still have to notify. Councilor Arruda noted normally

get a contract four months before it expires. T/A Goncalo added the issue came up in the last couple of years, took several months to come up with a contract, then the department heads applied for unionization which went on for some time.

Police Chief Thomas Blakey along with Fire Chief Robert Lloyd did not apply for unionization, has lost 25 sick days, this contract has no salary listed, object to the Administrator's explanation, not fair, do not know what we will get. Don't like at-will, another point, contract states the employee has to give 45 days' notice to quit, want to be treated cordially. Chief Lloyd reiterated, don't want at-will, ask Town for consideration to have an ongoing contract, have written every year, looking for stability, don't get that as an at-will employee, not asking for carte blanche. Tax Assessor, David Robert, agreed, was explained this was a severance package, was removed. Did sit down with the T/A, reviewed the proposed model contract, the last sentence was not part of that agreement. DPW Director Steve Berlucchi explained, came from Martha's Vineyard, signed a three year contract, thinking it would continue unless a budget cut or doing a bad job no one will come here when you can be just let go. As public employees, rely on benefits and some protection. Wastewater Management Superintendent John Lincourt noted the department heads have been without a contract for three years, at-will, does not mean is acceptable. Gareth Eames, Building/Zoning Official, noted every department head feels strongly about the Town, have a commitment to it. Solicitor Teitz just pointing out the rationale, see as a

mechanism to provide security, not advocating at-will, advocating protection of the Town at the end of it, an alternative if trying to deal with the ambiguity at the end of the contract. T/A Goncalo could not promise salary for all three years, don't know the funding or the performance. Bob Martin suggested putting in a line like the union contract has, stays in effect until a new one is negotiated.

Councilor Lambert clarified, the contract would extend indefinitely unless a cause for reason or discharge, then if true, section 15d would be modified and add that or unsatisfactory performance. Chief Blakey pointed out; being at-will the Council could wait the department head out. President Roderick noted because of the State law department heads just looking for a period of extension, a grace period, even if that wording is added, at-will still applies. Chief Blakey pointed out the contract has no starting point to go before the Budget Committee. Councilor Arruda noted the wording, at –will, insinuates they will be treated as such. Councilor Pelletier suggested offering some stability, ought to be some incentive as opposed to creating disincentive to stay. Mr. Robert was just looking for some sense of security, are all professionals, invested in the Town, want to be considered a valuable employee. As for at-will, looking for some type of notice of not renewing the contract, if the Town fails to give notice then automatic continuation, if at-will there is no notice. President Roderick suggested notice should be on both sides. T/A Goncalo commented, best contract seen, the contract was reviewed by all, reached an agreement, has a vacation schedule, sick leave can

accumulate, increases life insurance. Councilor Lambert suggested adding if the employer does not offer the employee a new contract, this contract is extended for a period of time.

Councilor Arruda noted was important to create an environment where employees want to succeed. T/A Goncalo did not have a problem with putting in the 120 day time frame renewal. Solicitor Teitz noted there was nothing unlawful about either option. President Roderick noted the contract could be rewritten a little better to put the onus on both parties, has to be something in there based on performance subject to funding. Councilor Pelletier suggested wording, putting in opportunity for salary increases are subject to the approval of the Financial Town Referendum. President Roderick pointed out with the previous contract the salary could be cut, but not with this one. Councilor Gerlach asked the T/A to go back and amend sections 4 and 18 with revised language, “potential for merit increase subject to performance review and final fund appropriation of the FTR and section 18”should the Town not notify then the contract continues for 120 days. Laura Epke suggested additional wording for Section 4, stems from several years ago when raises were approved but not give. T/A Goncalo responded, raises were approved at the FTM, department heads did not have a contract, held up by approval of model contract and unionization effort. Chief Lloyd did not agree with the T/A about the raises, two department heads had contracts in place but were not given raises. T/A Goncalo disputed that, both Chiefs got salary raises last year and a contract. Chief Lloyd noted

comes down to a matter of trust, at the last minute this proposed model contract was changed.

Councilor Chabot questioned Sick Leave/Personal Leave, in the last contract employer required a doctor's note after three days not 5, normally three days is an industry standard. T/A Goncalo explained that was requested by the department heads, personal days were also increased from two days to three. The union contracts have three days, tried to give the department heads at least the same benefits the unions have. Councilor Chabot also noted in the old model contract there was a provision for expense reimbursement, was to receive prior written approval. President Roderick suggested that should be part of personnel policy, belongs there not in a contract. Councilor Chabot noted there was no personnel manual. In Section 15, Termination, the old model contract had a clause for termination upon death. President Roderick agreed with Councilor Chabot, has seen other contracts with that clause. Councilor Chabot also noted the addition of the paragraph with the letter e; the Employer may terminate Employee or suspend Employee for a designated period of time in accordance with this section. Any such termination or suspension of Employee during the term of this agreement prior to its termination date shall be governed by the Town Charter; Section 1210 (a). Very important section. Councilor Chabot suggested removing the wording "prior to" which should address the concerns of the department heads related to at-will. Councilor Chabot suggested changing number 16, Severance Package, which says in case of

resignation, severance usually given for termination. Section 1210 (a) of the Charter where removal of department heads requires approval by the Council, is protection for the department heads.

President Roderick, failure to notify the employee extends the contract for 120 day. Suggest put the changes for March 11th meeting for review and possible vote.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

January Department Reports

T/A Goncalo explained the Council requested the monthly Department reports be placed on the agenda for possible questions and discussion. Chief Blakey responded to questions, last year had over 60 housebreaks, some domestic violence, 85% of the crimes are generated by drugs. Councilor Arruda asked Chief Lloyd if mutual aid cost money. Chief Lloyd explained if the help was coming in it does, going out the Fire Department bills, mutual aid is given at will free of charge. Councilor Pelletier questioned Building/Zoning Official Gareth Eames about permit fees. Mr. Eames explained building has not stopped, has been reduced to the pre boom levels, just maintaining. Councilor Arruda questioned Chief Blakey the effects of accreditation. Chief Blakey explained accreditation will give policy and procedures accepted by the State, have two people certified for the process, can apply for grants.

Five Year Capital Plan

T/A Goncalo explained the Council had requested to see a five year plan, this presented one is unreviewed, shows needs of the Town. Chief Lloyd explained the Fire Department was in the first year of the plan, most engines need replacement every five years. Councilor Chabot requested a list of the vehicles, the years of them and the mileage. T/A Goncalo will sit with the Department Heads, the \$3.2million request for the first year, impossible. Councilor Gerlach noted was important for the people to understand what the needs are, need some type of public education to understand the potential tradeoffs. President Roderick agreed needs to be looked at, need to set aside some sort of restricted fund, look at what are the most critical. T/A Goncalo suggested maybe a bond will be necessary, maybe get the carry forwards changed somewhere, years ago took out \$1-2 million to offset the tax rate. Councilor Lambert noted it was kicking the can down the road, not planning for the future.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Gerlach requested the Council to try to submit ranked goals, would like to address at a later date.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Tiverton STOP – Request Legal Memorandum Regarding Tolls

Solicitor Teitz was requested at the last Council meeting to provide a legal memorandum regarding the procedure required from the RI Turnpike and Bridge Authority (RITBA) when setting tolls. This did

not include a review of the thousands of pages of Federal regulations. The transfer from DOT to RITBA has no legal standing, is a legislative act. Should it go through, will have to have a public hearing and rule making process.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

- 1. Engine 4 still offline, mechanic still looking to repair**
- 2. Chris Roemlein, Recreation Commission, was able to get a \$10,000 Recreation grant from Newport Hospital to do an obstacle course at Bulgarmarsh Field.**

CLOSED EXECUTIVE SESSION:

Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Site Ready Materials and Recycling Co.

Personnel – 42-46-5(a) (1) – Performance Evaluation of Town Administrator Notice Provided

Councilor Lambert made a motion, seconded by Councilor Arruda to enter into Closed 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 Arruda to remain in Closed Executive Session pursuant to 42-46-5(a) (1)- Personnel -Performance Evaluation of Town Administrator Notice Provided. Motion passed on a vote of 6-1, Councilor Chabot opposed.

The Council entered into Executive Session at approximately 10:40 p.m.

The Council returned to Open Session at approximately 11:10 pm.

OPEN SESSION:

Council President Roderick announced no formal action taken in Executive Session. Item 2, Personnel, Performance Evaluation of Town Administrator Notice Provided has been continued to March 25th.

Councilor Pelletier motioned to seal the minutes of Executive Session, seconded by Councilor Arruda passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Arruda. Motion passed unanimously.

The meeting adjourned at 11:15 p.m.

A True Copy.

ATTEST: _____

Nancy L. Mello, Town Clerk