

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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 November 2013 A.D. at 7:00 p.m.

Vice President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

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

Acting Town Administrator/Town Clerk Nancy L. Mello and Town Solicitor, Andrew M. Teitz were also present.

RECOGNIZING VOLUNTEERS

Acting T/A Mello took a moment to publically thank and recognize the following volunteers that have taken their time, efforts and funds to replace all the lights on our holiday tree as well as string lights on two smaller trees. The issue of the lights being in need of repair was raised by Rick Barrette, Chief Lloyd was present at the time, he suggested this would need an electrician, placed a call to Lt. Craig Committo. Received a call from Lt. Committo stating he and some volunteers would take care of replacing the lights, doing whatever was necessary to get the tree lit. Like to thank the following volunteers: Lt. Craig Committo, Lt. Joe Plocica, Firefighters Al Souza, Pete Manchester Jr., Josh Ferreira, Pat White, Jim Miranda and Dave Haddad. Also want to express appreciation to Reliable Pest Control who donated the use of their lift truck to help with the lights. A round of applause followed, VP deMedeiros thanked all, not surprised by the community support. Reminded all, the Tree Lighting is this Sunday, December 1st here at the Town Hall at 5:00 p.m.

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.

VP deMedeiros read the items on the Consent Agenda, requested removals. Councilor Gerlach requested removal of CA7, Kate Michaud - Distribution of Update on Statewide Planning Renewable Energy Siting Guidelines. Councilor Chabot requested removal of item CA1a, Approval of Minutes Regular Council Meeting November 12, 2013 and Solicitor Teitz requested removal of item CA8, Scheduling of Public Hearing for Historic District Ordinance on February 24, 2014 and Referral to Planning Board for Recommendation.

Councilor Arruda made a motion, seconded by Councilor Gerlach to accept the rest of the Consent Agenda except for those removed. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

b. Approval of Executive Session Minutes November 12, 2013

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

- | | |
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| a. Pocasset Hill Cemetery Commission (3) | c. Wastewater Management |
| b. Conservation Commission (2) | d. Historic Preservation Advisory Board |

A-3-Correspondence – Receive and File:

- a. Representative John G. Edwards and Senator Walter S. Felag, Jr. to RIPTA Requesting Next Available RIDE Bus for Senior Center
- b. Resolution from Town of Jamestown Regarding Newport Pell Bridge Safety

A-4-Approval of Tax Assessor Abatements

A-5-Denise Saurette, Treasurer – Distribution of October Budget and Revenue Reports

A-6-Resolution Authorizing Town Clerk to Sign Corporate Authority Forms for Financial Accounts in Ordinary Course of Business to Expire on December 1, 2014

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-1-Approval of Minutes of Previous Meetings:

a. Approval of Minutes Regular Council Meeting November 12, 2013

Councilor Chabot requested a change to page 3, second paragraph, to include wording that other Councilors made changes as well; not all suggested by Councilor Chabot. Also the approved Foreclosed and Vacant Properties Ordinance was not attached to the minutes.

Councilor Chabot made a motion, seconded by Councilor Lambert, pending the receipt of the Foreclosed and Vacant Properties Ordinance and inclusive of edits the minutes be tabled to the next Council meeting. Motion passed unanimously.

Town Clerk Mello recently received the clean ordinance, will add for next meeting.

CA-7-Kate Michaud - Distribution of Update on Statewide Planning Renewable Energy Siting Guidelines

Councilor Gerlach thanked Ms. Michaud, wanted to clarify the next step. Ms. Michaud explained it was on next Tuesday's Planning Board agenda for discussion.

Councilor Gerlach made a motion, seconded by Councilor Arruda to approve CA7, Kate Michaud - Distribution of Update on Statewide Planning Renewable Energy Siting Guidelines. Motion passed unanimously.

CA-8-Scheduling of Public Hearing for Historic District Ordinance on February 24, 2014 and Referral to Planning Board for Recommendation

Solicitor Teitz requested this item be withdrawn tabled. Lack of clarity for the map of the district, does not match up with current GIS, need a complete map for advertising.

Councilor Lambert made a motion, seconded by Councilor Gerlach to table item CA8, Scheduling of Public Hearing for Historic District Ordinance on February 24, 2014 and Referral to Planning Board for Recommendation. Motion passed unanimously.

OPEN PUBLIC FORUM:

VP President deMedeiros requested discussion in this forum be limited. Jim O'Dell wanted the people to be heard on item E1, Discussion and Possible Vote Extension of Health Benefits to December 31, 2013 for James Goncalo and Accrued Vacation Payment. Stated Mr. Goncalo's contract ended in 2011, all obligations of the parties shall cease as of the date of retirement making this discussion moot, need no vote, no compensation. Jeff Belli echoed Mr. O'Dell.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Jeffrey Brown, Compensation Planning - Presentation of Police Pension Actuarial Report as of July 1, 2013

Jeffrey Brown, Principal at Compensation Planning reported on the Police Pension Actuarial Report as of July 1, 2013. For this report need context, most pension funds are in a 401 or IRA, defined contribution plans, whatever the asset growth will determine the return on the benefit. A defined benefit plan is what the Police Dept. has, it

defines what comes out. Contributions from the Town and employee participation. Recommendations are based on actuarial assumptions, validity depends on underlying assumptions. The better the plan does as far as investment purposes, less it cost the Town. Does not affect the employee benefit, Town's responsibility to pay. On page 6 is a summary of the plan provisions, eligibility, compensation based on regular pay, overtime does not count, highest 3 year average determines the retirement benefits. Can retire at 55 or 20 years of credited service, after 2012 will be 25 years of service. Cost of Living Adjustments (COLA) is 1% of the compensation. On page 7 are the Actuarial Assumptions.

Councilor Pelletier arrived at this time, 7:30 pm.

Defined benefit plans tend to have an escalator effect by having an assumption. Made appropriate adjustments with input from the Town Administrator and Town Treasurer. Page 1 is the actual accrued liability, should have \$13 million based on assumptions. Validity of the numbers depends on the validity of the assumptions; the funded status of the plan is 54.8%. To fund normal cost, 19.7% is required. Ideally there would be no unfunded liability, want as low as possible. On page 2 the salary scale was reduced to 3.5% reducing the overall pension liability. Active member payroll is \$1.4 million, total payment to retirees and beneficiaries \$714,000. Page 4 is a schedule of projections to the financial health of the plan and how it might right itself, 54% funding not great. The current contribution has been increased to \$825,000, will show up in the new chart next year. Mr. Brown explained a number of towns scramble to make the recommended contribution; the Town is to be commended for doing more than the recommended amount. Council thanked Mr. Brown for the report.

TOWN COUNCIL SITTING AS BOARD OF LICENSING
NON ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING LEGAL
REQUIREMENTS (December 1, 2013 to November 30, 2014)

SFS Corp d/b/a Elaine's Country Store, 1204 Fish Road – Renewal of Annual Licenses – Subject to Meeting All Legal Requirements – Continued from November 12, 2013 Meeting

a.Tobacco Dealer's License b.Victualling c.Holiday d.Fireworks

DPW Director Steve Berluca informed the Council that Elaine's made a payment of \$400 for outstanding PAT bags, paid in full, recommend licenses be issued.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve a Tobacco Dealer's, Victualling, Holiday and Fireworks license for SFS Corp d/b/a Elaine's Country Store, 1204 Fish Road, Renewal of Annual Licenses, subject to meeting all legal requirements. Motion passed unanimously.

VP deMedeiros called for public comment three times on these licenses.

Step by Step Mart, 429 Main Road – Renewal of Annual Licenses – Subject to Meeting All Legal Requirements – Continued from November 12, 2013 Meeting

a.Tobacco Dealer's License b.Holiday c.Fireworks

DPW Director Berluca spoke to the owner of Step by Step, out of the country, showed great concern. Received a check for \$500, the owner offered to pay \$500/month for the next eight months, has a history of worked out agreements. Solicitor Teitz suggested renewing for 3 months to see how it goes, can't automatically suspend, if the payment plan is not followed then can put in for a show cause hearing in February. Director Berluca noted they have not been selling Pay As You Throw bags for two years.

Councilor Pelletier made a motion, seconded by Councilor Gerlach, the Town Council acting as the Board of Licensing renew for Step by Step Mart, 429 Main Road for a period of three months to March 10, 2013, Tobacco Dealer's, Holiday and Fireworks Licenses subject to the \$500.00 payment plan outlined and to meeting all legal requirements. VP deMedeiros called for public comment three times. There were no comments on this renewal. Motion passed unanimously.

Manufactured Home Elderly Community License Renewal
Continued From November 12, 2013 Meeting – Planning Board Recommendation

Town Clerk Mello noted a new recommendation from the Planning Board was attached, have no issue, barrier has been put back, Planning Board Chair Steve Hughes inspected. There were no public comments.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the License Renewal for Manufactured Home Elderly Community, Countryview Estates, LLC, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Municipal Court Judge Appointment

a. Request for Re-appointment by Attorney James A. Donnelly, Jr.

b. Request for Appointment by Robert H. Humphrey, Esquire

VP deMedeiros noted both applicants spoke at the last Council meeting.

Councilor Lambert, assuming this was a motion for reappointment of Attorney James A. Donnelly, Jr. noted both were excellent appointments, if doing a good job as an incumbent reluctant to put in a new person.

Councilor Gerlach made a motion, seconded by Councilor Arruda to appoint Robert H. Humphrey, as Municipal Court Judge. Councilor Pelletier echoed, Attorney Donnelly doing a good job, Attorney Humphrey is also qualified. The motion failed on a vote of 2-4, Councilors Gerlach and Arruda in favor, Councilors Chabot, Lambert, deMedeiros and Pelletier against.

Councilor Lambert's motion was seconded by Councilor Pelletier to reappoint Attorney James A. Donnelly, Jr. as Municipal Court Judge. The motion passed on a vote of 4-2, Councilors Chabot, Lambert, deMedeiros and Pelletier in favor, Councilors Gerlach and Arruda opposed. Council thanked both applicants.

UNFINISHED BUSINESS:

Councilor Lambert – Continued From November 12th Meeting - Discussion and Possible Vote

a. Extension of Health Benefits to December 31, 2013 for James Goncalo

Councilor Lambert explained two separate issues here, whether or not to extend James Goncalo's health benefits to December 2013 and the amount of accrued vacation pay done under the employment contract. Have a copy of Mr. Goncalo's contract, three sections specifically mention vacation, paragraph 6, "the Employee shall be entitled to vacation leave at the rate of twelve (12) days per year accumulated at the rate of one (1) day per month for the first year and at the rate of fifteen (15) days per year accumulated at the rate of one and one-quarter (1 ¼) days per month for the second and third year". During the term of the contract the Employee may carry forward vacation leave up to an accumulated total of fifteen (15) days beyond the anniversary date each year. Paragraph 7, unused sick leave, entitled to fifteen (15) days per year accumulated at the rate of one and one-quarter (1 1/4) days per month. Paragraph 8 addresses personal leave, entitled to three (3) days per year, none of which may accumulate beyond the anniversary date each year. Important to keep in mind Mr. Goncalo did not abuse the system. Using the figures supplied from the given chart, altogether he is owed 21.75 days.

Councilor Lambert recommended and made a motion to that effect to continue James Goncalo's health benefits to December 31, 2013. Motion failed for lack of a second.

Councilor Pelletier questioned why this was a request, why was the Council discussing this matter. Should be considered the way any other employee would be when they leave, health benefits cease. Councilor Arruda agreed, Mr. Goncalo retired voluntarily. Town Clerk Mello pointed out, Mr. Goncalo was entitled to COBRA, issue was raised by President Roderick at the last meeting to extend Mr. Goncalo's benefits beyond his last day November 15, 2013.

b.Accrued Vacation Payment

Councilor Lambert made a motion to approve the Personal and Vacation day payment for 22 days. Councilor Gerlach seconded for discussion. Councilor Lambert explained, the first motion may be seen as a favor, under the contract entitled to unused vacation days. Town Clerk Mello cited the summary chart that was given by Mr. Goncalo, had an accumulated total of 29 unused vacation days. Town Clerk calculations came to 17.75 days; sick days have no cash value. Contract says up to 15 days, if adding the personal days then that would go up to 20.75. VP deMedeiros questioned the Solicitor, the contract ended in 2011; does it have to be honored legally? Solicitor Teitz explained, operating under those terms, have to abide, look at usage and custom in general. Employees can get benefits right away; legal requirement is to go by the terms of what the contract was. This was the model contract from the past, given the contract is silent follow past practice with other employees vacation leave; agree with the 17.75 days from the Clerk's interpretation. Councilor Chabot calculated 15.75 days but in normal business practice use it or lose it. Councilor Arruda noted in 2010 Mr. Goncalo carried over 2 extra vacation days. Further discussion of the calculation of vacation days unused followed. VP deMedeiros called for a vote, motion failed 1-5, Councilor Lambert in favor, Councilors Gerlach, Arruda, Chabot, deMedeiros and Pelletier opposed.

Councilor Chabot made a motion, seconded by Councilor Pelletier to reimburse James Goncalo for 15.75 vacation days per contract. Further discussion followed on the summary chart from Mr. Goncalo's office. Motion passed on a vote of 4-2, Councilors Gerlach and Lambert opposed.

Councilor Lambert made a motion to pay Mr. Goncalo for three personal days for reasons already stated. Councilor Arruda seconded for discussion. Councilor Lambert explained, comparing the language in paragraph 8 with 7, is a reason for the difference in that language. There is no indication there should be no cash value as in paragraph 8. Councilor Pelletier questioned the Solicitor on the absence of language and the argument if something is left out. Solicitor Teitz referred to a Latin phrase, *espresso unis*, is you say something you assume there to be a reason why it didn't say so somewhere else. Councilor Gerlach agreed with Councilor Chabot, in the absence of specific language, read no specific language that does not predicate the Council from paying out three personal days. A lesson learned for the next contract. VP deMedeiros moved the motion. The motion failed on a vote of 3-3, Councilors Gerlach, Arruda and Lambert in favor, Councilors deMedeiros, Chabot and Pelletier opposed.

Gary Rose, Recreation Comm. Chair-Request Approval of Submission to DEM for Soccer Complex Grant

Gary Rose, Recreation Commission Chair recapped for the Council, in 2009 Stone Bridge Fire District donated 8.8 acres of land north of the New Ranger School for a Soccer Complex. It was hoped to be developed in 2 years, difficult to acquire funding, went back to the Fire District for an extension. Applied for a DEM grant which has \$5.5 million to allocate to recreation facilities for development. The application deadline was extended to December 15. Councilor Gerlach commended Mr. Rose for putting in the work on the grant; attest to the traffic at Town Farm, fantastic to move forward with another facility

Councilor Gerlach made a motion, seconded by Councilor Arruda to authorize Gary Rose to submit to DEM the Soccer Complex Grant Application as illustrated in handout item E2. Discussion followed, Councilor Chabot referred to the phases, cost was confusing. At the top of page 2, says purpose is to secure \$400,000 Chairman Rose will submit a cover letter regarding the in kind donations and the development costs for \$212,000 being applied for the Phase 1 construction. Councilor Gerlach amended the motion, seconded by Councilor Arruda to give approval to Gary Rose to submit to DEM the Soccer Complex Application Grant with edits and clarifications in Phase 1 as articulated. Motion passed unanimously.

VP deMedeiros called for a five minute break at this time, 9:20 p.m.

FINANCIAL BUSINESS:

NEW BUSINESS:

Councilor Roderick–Discussion with Members of the Personnel Board -Process for Hiring of T/A

Personnel Board Chair Deborah Dupont and member Jim Camara discussed the process for Hiring a Town Administrator. Town Clerk Mello explained it would be advertised in the Providence Journal, League of Cities and Towns, Fall River Herald News and Monster.com. Want to know the process of getting email resumes; usually receive by mail in an envelope. Councilor Gerlach noted the importance, trying to figure out how to best work with the Personnel Board. Council works closely with the T/A, trying to figure out how to collaborate, Council wants to be very involved. Chairwoman Dupont explained the Personnel Board gets the resumes; they become a number so no names get out. Set up interviews for those that meet the criteria, invite the Council to sit in, can filter questions. Do invite Department Heads, they describe the hours, pay, and tell the applicant what they are looking for. Mr. Camara noted, if the Council requests, will be invited to the entire process, will protect identities and personal information. Recommend three applicants and one alternate, will submit to Acting Town Administrator or Council. Solicitor Teitz noted only if the applicant agrees to an interview by the Council will the application become public, interview by the Personnel Board is private, the Council is privy to information still not public. Question arose if the Council acting as the Department Head could attend but not participate.

Solicitor Teitz referring to the language of the Charter, Section 1007 Personnel Board, subsection (b), hiring of all personnel shall be done through the Personnel Board. The applicable Department Head shall be invited to attend interviews, assist the Board in questioning applicants and make recommendations. Do not have to leave the room. Mr. Camara explained the Council would be given a packet and evaluation sheet which the Council scores. Ms. Dupont noted any comments the Council provided to the Board would be welcome. Councilor Gerlach noted the Council wanted to cast a wide net, provide direction, commentary to the Board. Ms. Dupont explained, on the night of the interviews the Council is given a packet, try to do the interviews in two consecutive nights

Solicitor Teitz explained was a change in the law, in the public records act, if interviewed by the Council would be a public document. Some five years ago the Attorney General made clear the applications are confidential. It will be posted as an open meeting but then goes into Executive Session. Mr. Camara noted the Council did ask questions for Department Heads. Like to tell them up front the salary range. Councilor Pelletier suggested using the budgeted dollars from last year. Councilor Chabot suggested the Council might want to do a background check. Mr. Camara pointed out the Personnel Board does not have that ability. Mr. Camara suggested doing for the top 3 or 4 candidates.

Police Chief Thomas Blakey - Permission to Hire a New Police Officer

Chief Blakey explained, trying to make next Police Academy, takes 6 months for academy and 3 months to be field trained. Six people are eligible to retire; Tiverton has the 12 most violent crime rates in the State, 21.5% increase in serious crimes. Would like to be more proactive, have some money left in this year's budget, been trying to hire CCO's, have to readvertise, have 2 positions not filled. In this F/Y money can send someone to the Academy, will bring up with the Budget Committee. Have a qualified applicant, request to move forward and hire. Chief Blakey added, Fall River has a good police department, in Massachusetts if you commit a crime, bail can be set as low as \$40, in this State you get incarcerated, concerned more drug activity. The Academy is held every six months, the State is trying to reduce to one per year, municipalities often lend an officer to teach a course.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the request from Police Chief Thomas Blakey to Hire a New Police Officer. Motion passed unanimously.

Fire Chief Lloyd – Authority to Proceed with Hiring of Three Replacement Officers

Fire Chief Robert Lloyd earlier this year received permission to advertise to begin hiring process. Several officers have left for higher paying jobs. These are not for additional people, just trying to fill vacancies. The Fire Department runs its own academy, Tiverton is the lowest paid in the State.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to give Chief Lloyd authorization to proceed with the Hiring of Three Replacement Officers. Chief Lloyd requested the motion be amended for the possibility of a fourth new hire. Councilor Gerlach restated the motion to give Chief Lloyd authorization to proceed with the Hiring of up to Three Replacement Officers with the possibility of a fourth new hire. Motion passed unanimously.

Chief Lloyd – Authorization to Proceed with Hazard Mitigation Plan and Advertise RFP For Consultant

Chief Lloyd explained the Hazard Plan was a large document, get compensation from FEMA; last time it was done was 2005. Earlier this year received a \$20,000 grant to help with the rewrite. It is a matching grant, have to spend the money first to get reimbursed, do not have additional \$5,000 in the budget. Town Clerk will look at both accounts; can also look to next year. Chief Lloyd possibly has someone from the EMA who would do it, would like to compensate for his time.

Councilor Pelletier made a motion to authorize Chief Lloyd to proceed with the Hazard Mitigation Plan and advertise RFP for Consultant. Discussion followed, Chief Lloyd wanted to keep in house if possible. Solicitor Teitz explained, to waive the RFP it would have to be on another agenda, can authorize the advertising then come back another time to waive the RFP. Seconded by Councilor Gerlach, passed unanimously.

Approval of Agreement with Town Clerk Regarding Salary Compensation During Tenure as Interim Administrator

Town Clerk Mello, also the Interim Town Administrator explained Solicitor Teitz formalized the document, did mention at the beginning would have to be compensated for the additional hours, has been tracking the hours. Solicitor Teitz explained, this seemed a better way than having the Clerk track the T/A hours and the Clerk hours.

Councilor Gerlach made a motion, seconded by Councilor Chabot to Approve the Agreement with Town Clerk regarding Salary Compensation during tenure as Interim Administrator as documented in handout for item G5. Motion passed unanimously.

DPW Director Steve Berlucchi – Discussion of RIDOT Low Interest Loan to Rebuild Pond Bridge Road Bridge Deck and Authority to Continue Process

DPW Director Berlucchi explained an inspection of Pond Bridge Deck two years ago had a rating of 4 which was satisfactory. Four months ago the Bridge deck rating was reduced to 2, poor condition. This is the only bridge the Town owns located at the Southern end of Nonquit Pond. Have put in a request for \$125,000, estimated cost for design, plans and construction. This project was selected as number 13 of the 23 applications for the program with RIDOT. There will be a public hearing on December 13th for the selected projects, funding is not guaranteed. Can go to advocate for the project, bridge important for emergency access. Have to fix the bridge, after the public hearing comments accepted until December 31st. Director Berlucchi had already planned on fixing, is just for the deck, abutment in satisfactory condition.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to give DPW Director Steve Berlucchi permission to continue forward for the RIDOT Low Interest Loan to Rebuild Pond Bridge Road Bridge Deck. Solicitor Teitz suggested adding authority to apply for the loan. Councilor Gerlach added and to Authorize DPW Director Steve Berlucchi to Apply for the Low Interest Loan. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

DPW Director Steve Berlucchi –Authorization to Accept High Bids on Advertised Surplus Equipment

Director Berlucchi had received authorization to go out to bid for 5 items, set minimum bids, 2 came in higher, the Cement Mixer at \$250 and one of the Crown Vic's at \$1,025. The other 3 bids came in under, Compressor for \$200, 1999 Taurus for \$335 and the other Crown Vic at \$451. Recommend the award of all five of these bids. Recommend accepting the compressor bid for \$200, the \$335 for the Taurus and \$451 for the Crown Vic in poor condition.

Councilor Gerlach made a motion, seconded by Councilor Chabot to Authorize DPW Director Steve Berlucchi to accept the High Bids and the other Bids as outlined in handout H1. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

Interim Town Administrator Nancy Mello announced the following:

1. A Blue Chip representative will be at the Senior Center at 10am on 11/26 with updates for 2014.
2. DPW wants to make known all non-town owned roads that are plowed by the Town must be kept in good/passable condition to continue to receive plowing services. Director Berlucchi will notify, Street Committee needs to be reactivated.
3. The free Holiday rubbish bag program will continue this year. Bags are limited to 2 free non PAYT rubbish bags per household, collected from December 30 through January 4th.
4. The Garden Club donated 3 wreaths for the front doors of the Town Hall. Hoping to get some winter banners hung donated by Mrs. Pelletier.
5. Holiday Tree Lighting and celebration sponsored by the Tiverton Recreation Commission will be on Sunday, December 1st. Santa will arrive on a Fire Engine escorted by the High School Band, by 5pm, tree lighting after the arrival. Residents asked to bring food items to donate to the Tiverton Food Bank. Requesting whoever hung the added lights last year to refrain from doing so.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Arruda announced the RFQ Committee for the Police Pension Board will start interviews starting December 12th. Councilor Gerlach questioned next steps for the Street Committee. Town Clerk Mello noted that committee has 4 current members, will contact to set a meeting, has advertised several times.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Tosi vs. Town of Tiverton - Zoning Board of Appeal

Solicitor Teitz explained this was from a Zoning Board of Appeal case, provided copies of an Order, had a conference with the Superior Court Judge on procedure, all pre-trial motions to be filed no later than December 4, 2013, set for a pre-trial conference on January 31, 2014. It was the Town's contention that a Garage was illegally built, Town contended it was a permit for a shed, what got built was a much bigger garage. The Zoning Board denied relief, found guilty in Municipal Court, they appealed to Superior Court. Will be a new trial from scratch in District Court.

Larry Faulkner vs. Town of Tiverton – C.A. No: NC-13-0443

This item is also on for Executive Session, a copy of the Superior Court Summons was provided in the packet.

Sakonnet River Bridge Tolls Agenda December 2, 2013

Solicitor Teitz reminded the Council about the Joint Meeting on Monday, December 2, 2013 at 7:00 p.m. at the Portsmouth Town Hall on the bridge tolls. Can be removed from this agenda from Executive Session.

TOWN CLERK ANNOUNCEMENTS:

CLOSED EXECUTIVE SESSION:

1. Solicitor – 42-46-5(a) (2) – Pending Litigation – Sakonnet River Bridge Tolls Litigation

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2) - Pending Litigation – Sakonnet River Bridge Tolls Litigation. Motion passed unanimously.

2. Solicitor – 42-46-5(a) (5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a)(5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station. Motion passed unanimously.

Solicitor Teitz requested pulling #1 from Executive Session.

Councilor Lambert made a motion, seconded by Councilor Chabot to pull from Executive Session, 1. Solicitor – 42-46-5(a) (2) – Pending Litigation – Sakonnet River Bridge Tolls Litigation. Motion passed unanimously.

3. Town Solicitor - 42-46-5(a) (4) – Investigation – Maintenance Foreman

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (4) – Investigation – Maintenance Foreman. Motion passed unanimously.

4. Town Solicitor – 42-46-5(a) (2) – Larry Faulkner vs. Town of Tiverton – C.A. No: NC-13-0443

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Larry Faulkner vs. Town of Tiverton – C.A. No: NC-13-0443. Motion passed unanimously.

5. Town Solicitor – 42-46-5(a) (2) - Litigation – Sandywoods Homes, Inc. et. al. v David Robert in His Capacity of Tax Assessor for Town of Tiverton

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Litigation – Sandywoods Homes, Inc. et. al. v David Robert in His Capacity of Tax Assessor for Town of Tiverton. Motion passed unanimously.

The Council entered into Executive Session at approximately 10:55 p.m.

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

OPEN SESSION:

VP deMedeiros announced action had been taken on #2 – Acquisition of real property for public purposes – Stone Bridge Gas Station and #5– Sandywoods Homes, Inc. et al v David Robert in his capacity of Tax Assessor. No other formal action was taken in Executive Session.

Councilor Chabot motioned to seal the minutes of executive session, seconded by Councilor Lambert. Motion passed unanimously.

ADJOURNMENT:

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

Council adjourned at approximately 11:35 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk