

**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 13th day of January 2014 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	Jay J. Lambert
	James Arruda	Brett N. Pelletier
	Joan B. Chabot	

Interim Town Administrator/Town Clerk Nancy L. Mello 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.

Council President Roderick read the items on the Consent Agenda. Councilor Gerlach requested removal of two items from Receipt of Minutes, Boards and Commissions, CA2e and CA2m and item CA3c, Representative John Edwards- Meals and Beverage Tax Distribution through First Quarter FY 2014.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the items on the Consent Agenda except for CA2e, CA2m and CA3c. 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 December 9, 2013-Councilor deMedeiros Abstained - Absent

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

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| a.Arts Council (2) | g. Library Board of Trustees (7) | l. Cemetery Commission |
| b.Board of Canvassers (3) | h. Recycling/Landfill Committee (2) | |
| c. Conservation Commission (3) | i. Wastewater Management Commission (6) | |
| d.Economic Development Commission (2) | j. Zoning Board of Review (3) | |
| f. Historic Preservation Advisory Board (3) | k. Planning Board (5) | |

A-3-Correspondence – Receive and File:

- a.Prevention Coalition December News Letter
- b. William J. Rearick, Superintendent of Schools-Newport County High School Proposal
- d. State Planning Council – Public Notice-Rhode Island State Rail Plan
- e. National Grid-Public Awareness-Safety Brochure

A-4-Denise Saurette, Treasurer – Distribution of November Budget and Revenue Reports

A-5-Kate Michaud – Administrative Officer Report of Activities for December 2013

A-6-Barbara Pelletier, Tiverton Representative-Report from November 19th Discover Newport Meeting

A-7-Chief Lloyd – Request Permission to Advertise to Create Potential Hiring List for Probationary Fire Fighters

A-8-Rosalind Weir, Main Road Properties, Inc.- Request Rezoning of Plat 706, Lot 106 from R80 to VC (Village Commercial) – Referred to Planning Board

A-9-Rosalind Weir, Four Corner Properties, LLC- Request Rezoning of Plat 706, Lot 107 from R80 to VC (Village Commercial) – Referred to Planning Board

A-10-Distribution of Department Head Monthly-December Report

Receipt of Minutes from the Following Boards, Commissions:

CA2 e. Fogland Beach Oversight Committee (4)

Councilor Gerlach questioned the Solicitor on what was required from Open Meeting Laws to timeliness of filing minutes. Solicitor Teitz explained need to have draft minutes by the next meeting, for local officials, no timeframe for approved minutes although the appeal period does not start to run until those minutes are approved. The minutes do not have to be filed with the Secretary of State, Town policy requires them to be filed with the Clerk and on the Town website. The Clerk's office sent emails regarding minutes not received, Solicitor suggested sending more than once per year. Councilor Gerlach noted the lack of a quorum for the Fogland meetings, should be looking at membership. Town Clerk explained the Committee Chair needs to send the T/A a letter regarding attendance, will be advertising for the next round of appointments.

CA 2 m. Harbor Commission (11)

Councilor Gerlach read with interest the December 2nd Harbor Commission minutes regarding the rise in sea level, request to get January's minutes in a timely manner. Town Clerk noted a recent meeting Ms. Michaud attended held here, regarding that subject, will request those minutes.

CA-3-c. Representative Edwards- Meals and Beverage Tax Distribution through First Quarter FY 2014

Councilor Gerlach noted the increase in the Meals tax, questioned where the money went. Town Clerk explained that goes into a revenue line item under meals and beverage.

Councilor Arruda made a motion, seconded by Councilor Gerlach to accept CA2e, Minutes from Fogland Beach Oversight Committee (4) and CA2m, Minutes from Harbor Commission (11). Motion passed unanimously.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to accept item CA3c, Correspondence from Representative John Edwards- Meals and Beverage Tax Distribution through First Quarter FY 2014. Motion passed unanimously.

BUSINESS BROUGHT BEFORE THE COUNCIL

A-11 –William J. Rearick, Superintendent of Schools - Request for Dedication of School Facilities

Superintendent Rearick explained the School Committee (SC) received a request from Donna Cook regarding naming a high school football field after a relative. The SC has no policy or process for this, have not had any requests since 1998 when there was a dedication, requesting Council input. President Roderick was of the opinion it was a SC matter, deferred to the Solicitor who did look at, could not find anything under the Code or ordinances. Generally the Schools have control over those operations; Town is the owner, more appropriately a school function. Superintendent Rearick will take back to the SC for policy.

A-12- OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

President Roderick reminded the audience, the Council does not comment in the Open Forum. Jeff Belli, regarding the new library building project wanted to see someone follow the construction, make sure it's built properly. Barbara Pelletier will be doing an interview with ABC6 on Tourism next Wednesday at 11:00 am, free publicity, if anyone has an event please call. Garry Plunkett will also be participating.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Paul Dansereau, Baxter Dansereau & Associates, LLP - Presentation of the FY Ending June 30, 2013 Financial Report

Paul Dansereau, a partner of Baxter Dansereau & Associates along with Greg Parisi, Account Manager and Town Treasurer Denise Saurette appeared before the Council to answer any questions regarding the Audit for FY ending June 30, 2013. Mr. Dansereau thanked the Council for the ability to prepare the Financial Report in a timely manner, met the deadline. Thanked the Treasurer and her staff and Doug Fiore, School Department. Highlights include two types of audits, Financial and Federal Compliance gave an unmodified opinion, no issues. Page 14 is a full accrual presentation, full balance sheet with assets and liabilities a corporation type presentation. Shows long term financial presentation, the net position of capital assets, liabilities and long term liabilities like bond debt. Page 15 is a profit/loss full accrual statement of the General Fund (GF), revenues, capital and expenses. There was a change in net assets of \$1,653,000. Page 16 shows short term general funds, is more categorized. Shows School Unrestricted Fund balance, \$1,472,491, has no unassigned balance, is a special revenue fund restricted for the School. Page 17 shows the rest of the expenditures with an increase of \$300,164 to the GF and an increase of \$262,021 for School operations. Page 71 is the Town presentation on a budgetary basis, shows the School surplus of \$654,000 with unused \$354,000 from prior years to offset expenditures, detail in back of the report. Conducted a Federal Compliance Audit looking at Federal expenditures for 14 compliance issues based on the program being looked at, had no issues. An overall surplus is good to see, Treasurer Saurette did a very good job.

Councilor Gerlach questioned interest earnings from the GF. Treasurer Saurette explained, on average years .5%, has to stay pretty liquid. Councilor Gerlach questioned if the GF was at 5.35% and the Charter requires 3%, what has been done with the difference, could it be used for things around Town? Town Clerk Mello explained, a Council policy was previously adopted to keep increasing the unrestricted GF balance, for 2014 is 3.75%. President Roderick explained over the last 6 years, the Councils have brought an effort to bring the GF up. Mr. Dansereau noted if using the GF use it for a specific project, do not want to build that into operations, becomes a crutch. Treasurer Saurette noted some flexibility next year with Bond Anticipation Notes. Councilor Chabot noted the OPEB, unfunded liability at \$24 million, need to be aware. President Roderick thanked them all.

Interim Administrator – Request Approval of Police Pension Investment Advisor/Administrator Services to Washington Trust Company, Providence, RI as Recommended by Police Pension Board

Councilor Pelletier recused, related to a Police Officer, left the Council table.

Interim Town Administrator (IT/A) Nancy Mello introduced Peter Miniati, Vice President and Planning Officer for Washington Trust Company. Mr. Miniati gave a brief history of the local company from Westerly. The investors group, located in Providence brings municipal expertise, has ERISA experts, prudent management of funds vital, strategy is to find the best plan to meet retiree obligations. Will meet with the Police Pension Board (PPB) members on a regular basis. Councilor Gerlach noted the PPB formed an advisory committee, interviewed 3 firms, unanimous decision by PPB to vote and forward to Council for approval. The other applicants have not been notified yet.

Councilor deMedeiros made a motion, seconded by Councilor Gerlach to approve Washington Trust Company as the Police Pension Investment Advisor/Administrator Services to Washington Trust Company, Providence, RI. Motion passed on a vote of 6-0-1, Councilor Pelletier abstained, recused.

Councilor Pelletier returned to the Council table.

TOWN COUNCIL SITTING AS BOARD OF LICENSING
ADVERTISED PUBLIC HEARINGS

Hess Gas Station #39211, 1308 Stafford Road – Request to Expand Victualling License to Operate Between 2:00 AM and 6:00 AM (24 Hours) – Public Hearing Continued From December 13, 2013 - Subject to Meeting All Legal Requirements **a.Recommendation of Chief Thomas Blakey**

Police Chief Thomas Blakey inspected the business; the building will be locked, operated with a drop window. The noise issue was addressed; Chief Blakey recommended approval of this license.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the request to Expand Victualling License to operate between 2:00 a.m. and 6:00 a.m. at Hess Gas Station #39211, subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:
NEW REQUESTS FOR APPOINTMENT FOR BOARDS WITH VACANCIES

Street Advisory Committee – One Vacancy – Term Expiring 01/12/2015
James O’Dell, 130 Warren Ave.

Mr. O’Dell was interested in the Street Committee problem, wanted to get back to the goal of accepting streets.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve the appointment of James O’Dell to the Street Advisory Committee for a term expiring January 12, 2015. Motion passed unanimously.

Comprehensive Plan Advisory Committee, Kate Michaud – Request Appointment of Committee Chairman, Stephen Hughes, Vice Chairman, Cecil Leonard and Secretary, Kate Michaud

Ms. Michaud explained the Comprehensive Plan Advisory Committee met last month, unanimously recommended officers, Council appoints the officers. Councilor Gerlach noted for the record, Ms. Michaud did a fantastic job facilitating that session, took a lot of time to prepare, was very well done.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the Appointment of the following officers to the Comprehensive Plan Advisory Committee: Stephen Hughes, Chairman, Cecil Leonard, Vice Chairman and Kate Michaud, Secretary. Motion passed unanimously.

UNFINISHED BUSINESS:

FINANCIAL BUSINESS:

Approval of Three Year Revenue Projections to Forward to School Department

IT/A Mello explained, this is done routinely every year, has to go to the Council for approval to be forwarded to the School Department.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Three Year Revenue Projections to Forward to the School Department pursuant to RIGL 16-2-21.2(a). Motion passed unanimously.

Interim Administrator – Fire Chief Robert D. Lloyd

a.Request Approval of Annual Salary Increase Effective January 4, 2014 From \$79,647 to \$81,240 (2%)

IT/A Mello received goals from Fire Chief Robert Lloyd, responsibility of permanent T/A, consistent with a 2% increase. This is the second year of a three year contract. Chief Lloyd has tried to meet every goal, moving forward as a department, a team effort, very proud of the team. Right now getting computers in vehicles,

independent of the Assessor, need to see construction information, access, doors, etc. Tied to the ISO rating which helps with insurance, is part of building familiarization.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the annual salary increase for Chief Lloyd effective January 4, 2014, a 2% increase for year two of a three year contract. Motion passed unanimously.

Interim Administrator – DPW Director Steven Berluca

a. Request Approval of Annual Salary Increase Effective January 7, 2014 From \$82,400 to \$84,048 (2%)

IT/A Mello explained, same situation, submitted goals, recommend 2% increase. DPW Director Berluca explained some goals included Pay As You Throw savings for taxpayers, a tribute to all citizens, no issues with the Landfill, the license was renewed. Getting on with street acceptance, have categorized what it would cost, now have something to work toward. President Roderick noted some confusion with the red bags for the holidays. Director Berluca noted, was announced, still had some problems, collected 3 times as much rubbish. Councilor Lambert noted, the Landfill Committee took under consideration for 2 meetings, no matter what people will be confused.

Councilor Lambert made a motion, seconded by Councilor Gerlach to approve the request for an annual salary increase for DPW Director Steven Berluca, a 2% increase effective January 7, 2014. The motion passed on a vote of 6-1, Councilor Arruda opposed.

Approval of Preliminary Municipal Budget FY 2014-15 Being Forwarded to Budget Committee

IT/A Mello explained the numbers discussed at Saturday's Special Meeting have been incorporated, will review once more before clocking in on Wednesday. Have discussed with Chiefs Blakey and Lloyd the changes and the 5 year analysis. Chief Lloyd cautioned about the overtime, just received a request for leave, will continue unless there is contract relief. Chief Blakey spoke to Mrs. Mello, fuel management system will help, tried to get over 10 years ago, Code Red was in the budget, is a Town wide system. President Roderick noted, this was just the first pass, will look at again. Chief Blakey would like to have the side parking lot fixed. Town Clerk Mello noted the work the Council has put in. Chief Blakey has worked with the Personnel Board to get the time compressed for police officer applications. Councilor Lambert did not want a misunderstanding, not second guessing the Chiefs or DPW Director, have to realize economic constraints.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Preliminary Municipal Budget FY 2014-15 being forwarded to the Budget Committee. Motion passed unanimously.

NEW BUSINESS:

Tiverton Planning Board – Request Acceptance by the Town of the Constructed Portion of West DeMello Drive
a. Planning Board Recommendation

Ms. Michaud explained West DeMello Drive was constructed a long time ago, will not be expanded due to wetlands, was never accepted. There was a small cash surety, notified the developer, did not get a response. Used the surety for minor repairs and an as-built plan by a licensed surveyor. DPW Director Berluca indicated the as-built plans were completed, noted no encroachments. The Planning Board voted to recommend acceptance of the constructed portion of West DeMello Drive. The road is not ideal but acceptable.

Councilor Chabot made a motion, seconded by Councilor Pelletier to accept the constructed portion of West DeMello Drive as depicted on the As Built Plan as prepared by Civil Engineering Concepts. Motion passed unanimously.

Barbara Pelletier, Placing Paws- Request Additional Dog Waste Collections Stations Near the Nanaquaket Bridge and Vicinity of Main Fire Station

Mrs. Pelletier explained, Placing Paws has paid for and maintains four dog waste stations. Would like to add two more, one in North Tiverton and one near Nanaquaket Bridge. Chief Lloyd volunteered to designate a spot in North Tiverton near the Fire Station. President Roderick suggested consulting with Mrs. Mello and the DPW Director for the best locations.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to approve the request subject to the IT/A meeting with Fire Department and DPW to figure out the best locations. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

Distribution of Church Community Block Grant Approval for 2014

IT/A provided copies of the approved award from the Community Block Grant program.

1. Post card for the Tiverton Business Forum mailed to 450 business, is on Feb. 11th, Meeting House.
2. Flu clinic at No. Tiverton Fire Station this Wednesday, January 15th from 5-8 pm. Free for anyone over 6 years of age. Department of Health directed flu at a pandemic level.
3. Will try to get legislators for next meeting.
4. Ms. Michaud sent an RFP for the Comp Plan Consultant will be on next agenda.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Chabot announced the Arts Council is having a reception this Sunday, 1/19 from 2-4pm for the new art showing. Councilor Pelletier repeated the business forum information; speakers include Marcel Valois, RIEDC, Jody Sullivan, Newport Chamber of Commerce and Scott Humphrey, Tiverton EDC Chair. Councilors Pelletier and Gerlach will moderate RSVP at 401-625-6718 or by email BPelletier@tiverton.ri.gov. President Roderick noted past Saturday Council worked on the Budget. Thanked Council , worked diligently, looking out for Town's best benefit, working hard to ensure services, hold rates as low as possible but not at cost of safety of the Town.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Tiverton v James Pelletier (Tiger Tree) – DEM Suspension Notice

Solicitor Teitz explained this notice was not sent to the Town, received this from Senator Lou DiPalma, were successful in that the composting found to be illegal, DEM suspending the Agricultural Composting Registration. They have appealed to the RI Supreme Court.

TOWN CLERK ANNOUNCEMENTS:

CLOSED EXECUTIVE SESSION:

- 1. Town Administrator–Personnel Performance–42-46-5(a) (1)–Gareth Eames–Code Enforcement Officer – Notice Given**
- 2. Town Solicitor – 42-46-5(a) (2) - Litigation – Town Solicitor Quarterly Litigation Report**
- 3. Town Solicitor – 42-46-5 (a) (2) - Opinion Letter to Auditor**
- 4. Town Solicitor - 42-46-5(a) (4) – Investigation – Maintenance Foreman**
- 5. Town Solicitor–42-46-5(a) (2) – Litigation - Larry Faulkner vs. Town of Tiverton – C.A.No: NC-13-0443**
- 6. Town Solicitor – 42-46-5(a) (2) – Litigation - LAL Construction Co., Inc. v. Town of Tiverton**
- 7. Solicitor –42-46-5(a) (5) - Acquisition of Real Property for Public Purposes – Stone Bridge Gas Station**

Councilor Lambert made motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a)(1) – Personnel Performance – Gareth Eames – Code Enforcement Officer- Notice Given. Motion passed unanimously.

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

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Opinion Letter to Auditor. Motion passed unanimously.

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.

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

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) - Litigation - LAL Construction Co., Inc. v. Town of Tiverton. Motion passed unanimously.

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.

The Council entered into Executive Session at approximately 8:35 p.m.

The Council returned to Open Session at approximately 11:45p.m.

OPEN SESSION:

In Open Session President Roderick announced no formal action had been taken in Executive Session. Councilor Lambert motioned to seal the minutes of Executive Session, seconded by Councilor Pelletier, passed unanimously.

Solicitor noted Gareth Eames was given the opportunity to have his discussion in open session and elected to have it discussed in Executive Session.

ADJOURNMENT:

Councilor Arruda motioned to adjourn. Seconded by Councilor Chabot, passed unanimously.

Council adjourned at approximately 11:50 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk