

**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 12th day of May 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 – Late Arrival
	Joan B. Chabot	

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

President Roderick announced under New Business, Street Advisory Committee would not be an open hearing; there will be no discussion at that point in time. Item K7, Solicitor Memorandum Regarding Shooting Gallery not an open hearing, there will be no discussion, a motion will be made at that time. Information for those who wish to speak to the two items.

At this time, Councilor Lambert made a motion to move up an Executive Session item to 9:00 pm.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to move up in the agenda item 5-2, Solicitor – 42-46-5(a)(2) – Potential Litigation and 42-46-5(a) (4)-Investigation – Fire Department, take promptly at 9:00 p.m. Motion passed unanimously.

President Roderick explained the Attorney working with the Town will be here at that time. Council will return to Open Session after that portion of Executive Session.

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 Vice-President deMedeiros read the items on the Consent Agenda. Councilor Pelletier arrived at this time, 7:10 p.m. Councilor Chabot requested removal of item A1b, Executive Session minutes April 28, 2014 and CA9, Notice of Public Open Houses Regarding Tiverton Comprehensive Plan Update Scheduled June 11th and June 14th.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve the balance of the Consent Agenda. Motion passed unanimously. Solicitor Teitz noted if there was a change for Executive Session minutes, it would have to be done in Executive Session. Councilor Chabot apologized, meant to remove A1a, Regular Meeting Minutes from April 28, 2014.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- c. Approval of Executive Session Minutes Special Meeting December 30, 2013
- d. Approval of Exec Session Minutes Special Meeting December 2, 2013 - Councilor Roderick Abstains - Absent

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

- a. Art Committee
- b. Budget Committee (2)
- c. Open Space Commission
- d. Zoning Board of Review (2)
- e. Planning Board of Appeals
- f. Tiverton Prevention Coalition
- g. Board of Canvassers (3)
- h. Recycling/Landfill Committee (2)
- i. Tree Commission

A-3-Correspondence – Receive and File:

- a. Roger A. Bennis – Copy Letter to RITBA, Senators and Representatives Regarding Sakonnet Bridge Tolls and Mechanism to Support Maintenance of Roads and Bridges in RI
- b. Jamestown Town Council Resolution in Support of Referendum Relating to Code of Ethics
- c. Middletown Council Resolution in Support of Eliminating the Master Lever
- d. Middletown Council Resolution Regarding Municipal Road and Bridge Revolving Fund
- e. Planning Board Response to Statewide Planning Regarding Wastewater District – Sewer Extensions – bay Street, Riverside Drive & Robert Gray Areas
- f. North Tiverton Fire District Letter to Legislators Regarding Establishment of Wastewater District

A-4-Tiverton Conservation Commission – April 2014 Newsletter

A-5-Chief Blakey – Scheduling of Public Hearing on June 23rd to Amend Article III, Section 78-71 No

Parking along a Portion of Russell Drive

A-6-Town Clerk - Scheduling of Public Hearing for Fee Resolution on June 23rd – Town Administrator

Memorandum to All Department Heads and Applicable Commissions

A-7-Town Administrator – Department Monthly Reports for April

A-8-Michael Marc Jean - Abandonment of a Portion of Roy Street from Crandall Road to Hemlock Street –Public Hearing Re-Scheduled to June 23rd

BUSINESS BROUGHT BEFORE THE COUNCIL

Approval of Minutes Regular Council Meeting April 28, 2014

Councilor Chabot noted on page 7, the adopted Resolution regarding the Master Lever was not attached at the end of the minutes. On the top of page 8 the date for the Comprehensive Plan Update should be 5/22 not 4/22. Town Clerk will make the changes to those minutes.

Councilor Chabot made a motion, seconded by Councilor Gerlach to accept the Minutes Regular Council Meeting April 28, 2014 as amended. Motion passed unanimously.

Approval of Executive Session Minutes April 28, 2014

Councilor Chabot made a motion to accept A1b, Approval of Executive Session Minutes April 28, 2014. Seconded by Councilor deMedeiros passed unanimously.

Notice of Public Open Houses Regarding Tiverton Comprehensive Plan Update June 11th and June 14th

Councilor Chabot announced public open houses for the Comprehensive (Comp) Plan Update will be on Wednesday June 11 from 6:30 to 8:30 pm and on Saturday June 14 from 9:00 am to 11:30 am. These sessions are a chance to find out what the Comp Plan is, why it is being updated and what the process is. It is a chance to share input from the residents, will be at Tiverton Middle School cafetorium.

Councilor Chabot made a motion, seconded by Councilor Gerlach to accept A9, Notice of Public Open Houses Regarding Tiverton Comprehensive Plan Update Scheduled June 11th and June 14th. Motion passed unanimously.

OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS:

Barbara Pelletier mentioned possible agricultural tours last meeting, did not hear from anyone, made some calls, sent that list to Mr. Stricklin. Should consider special occasion days, this Thursday is Chocolate Chip cookie day. Could use the repurposed gas station at Grinnell's.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Katherine Lovell - South Coast Artist Tour and Ted Stricklin – RI Experience Tours

Ms. Lovell discussed the South Coast Artist Tour which includes Tiverton and Little Compton, RI and the towns of Dartmouth and Westport, MA. There are 75 participating artists, 11th year for this town, economically has been a huge boost for Ms. Lovell. Huge draw for visitors, advertise to 2 million, brings approximately 15,000 visits to the website. Results in dollars spent with local businesses in the Town for 2 weeks every summer. Susan Gill, Tiverton Economic Development Commission member invited Ms. Lovell to recognize this growing event. A lot of the members are Tiverton residents, great boon for the Town. It is 100% volunteer, had over 500 people in 2 weekends including foreign visitors and from all over the country. Mr. Stricklin, RI Experience Tours discussed the tours which began 2 years ago. The various tours go around the State. The one for this area, Springtime in RI ends May 24th provided some brochures, looking forward to building a relationship. Appreciated Mrs. Pelletier's input and Mrs. Gill for the help. Positive responses given on beauty of Tiverton area. President Roderick thanked both for coming.

Gil Fletcher, Barbara Pelletier – Paw Watch Proposal for Feral Cat Control

Mr. Fletcher thanked the Council for the opportunity to discuss the problem of Feral Cats. A short video presentation produced by a Tiverton native, Felicia Barcelou preceded the slide show presentation. PawsWatch (PW) is an all-volunteer non-profit organization providing veterinary care (mostly spay/neutering) for free roaming cats. Estimate 50-200K feral cats in RI, costs \$175-225K for removal and euthanizing. Looking to do a program to Trap, Neuter and Return (TNR) the cats to the colony and caretaker. Would like to engage with the Town of Tiverton, offer the pilot program here for 1-2 years. No direct cost to the Town except for administrative support. Looking for the Town Council to advocate for the program. PW would obtain the funding, estimate 700-800 feral cats in Tiverton. Would provide for transportation for spay/neutering, would look for the Council to publicly promote. Councilor Lambert explained Animal Control Officer Bell already provides information to the State that is required. Mrs. Pelletier called this a wonderful opportunity to provide rabies shots for the cats, control the population. President Roderick suggested putting on the next agenda for discussion, possible vote. Police Chief Blakey added RI is stricter than Massachusetts, do have statistics. Cats dumped here from a neighboring city, unless changed releasing cats is a violation of State law. Mrs. Pelletier noted before the cats are released the group makes sure someone is there to receive them. President Roderick requested the Chief provide the State Law for the next meeting.

Kate Michaud - Announcement of Roger Williams University Community Partnership Center – Community Visioning Project for Stone Bridge Gas Station

Kate Michaud, Planning Board Administrative Officer explained the Community Partnership Center accepted the Town's application for the design process for Stone Bridge gas station. The Community Engaged Design team will include 8-10 grad student architects along with help from several professional architect volunteers. Will get community input on what the property should be, suggest a design, make a recommendation to the Town Council. The process will go from May 22 to the end of July, hope to have a public charrette at the gas station, a drop in event. The only thing not on the table is a gas station. Will be an advisory group for the Town, setting up a meeting with Professor Robinson regarding the syllabus, Town interaction, looking for some input from non-government voices, looking to engage the business community and the boating community. President Roderick thanked Ms. Michaud for the hard work.

TOWN COUNCIL SITTING AS BOARD OF LICENSING: ADVERTISED PUBLIC HEARINGS

TRDR Inc., d/b/a Red Dory Restaurant, 1848 Main Road – Request for BV Liquor License Subject to Meeting All Legal Requirements

Vernon Gorton, Attorney representing the applicant noted this was the former Stone Bridge Restaurant. The applicant, Steve Johnson was seeking a BV license to serve liquor, dinner at this location. Mr. Johnson owns and

operates a restaurant in Cambridge, MA, in the restaurant business over 30 years, has an excellent reputation. Extensive rehab done to the interior generated a lot of structural work. The file included a seating plan, menu and Zoning Certificate letter from the Building Official. Contemplate hours of operation to be Monday through Saturday from 11am to 10pm, on Sunday from 11am to 9pm. After Labor Day will cut back to Wednesday to Sunday, keeping options open. Support using local seafood and produce. Mr. Johnson was familiar with the area, good access to the highway, will be casual fine dining, hands on style, reasonable prices. Estimate opening after the middle of September. Have a background with Mediterranean inspired food, balanced fare, tailored to the location more focused on seafood with nightly specials.

President Roderick called for comments from the public at this time. Leonard Wright, Narragansett Avenue, noted 10pm was a good time to close, request the liquor license end at 10pm. Mr. Johnson's idea was to keep within allowable limits, was familiar with the local vibe. Solicitor Teitz noted the Clerk was given a handout this evening which included alcohol service on the porch, requesting that be part of the license. President Roderick called for public comment 3 times, seeing none closed the Public Hearing.

Councilor Gerlach made a motion, seconded by Councilor Arruda to approve a BV Liquor License for TRDR Inc., d/b/a Red Dory Restaurant, 1848 Main Road subject to meeting all legal requirements and the insertion of the hours of operation for liquor service on the patio. Town Clerk noted hours of operation Monday through Saturday from 11:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 10:00 p.m. Motion passed unanimously.

NON ADVERTISED LICENSES:

TRDR Inc., d/b/a Red Dory Restaurant, 1848 Main Road – Request for Victualling License Subject to Meeting All Legal Requirements

President Roderick called for public comments 3 times on the request for a Victualling License.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the request for a Victualling License for TRDR Inc., d/b/a Red Dory Restaurant, 1848 Main Road subject to meeting all legal requirements. Motion passed unanimously.

Tess Enright, T & C Main St., Inc., d/b/a Tess & Carlos at 3879 Main Road- Request Holiday License Subject to Meeting All Legal Requirements

Town Clerk Mello noted this was a small clothing store, was a new request. President Roderick called for public comment 3 times, there were no comments.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to approve a Holiday License for Tess Enright, T & C Main St., Inc., d/b/a Tess & Carlos at 3879 Main Road subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Resignation Wastewater Management Commission – Margaret Murphy

President Roderick noted acceptance, requested the Clerk send a letter of thanks for service to the Town.

UNFINISHED BUSINESS:

Pauline Richard – Request for Streetlights Installed on Ledoux Lane from Winterberry to Teaberry- Recommendation from DPW Director and Police Chief Blakey

Pauline Richard, lives on Ledoux Lane explained it has only 2 streetlights, at one time was a dead end street, really dark. Winterberry and Teaberry have lights on those streets. Chief Blakey had checked with Kate Michaud, explained in 2009 5% of the streetlights were shut off, some 66 lights. DPW Director Steve Berlucchi noted there was a light at the very end; all the lights were per the subdivision drawing when developed. There is no electricity in that area would require a conduit and light pole. President Roderick requested Chief Blakey check

out Ledoux Lane, report back to Council. Director Berlucahi will look at stop signs, road reflectors as well. Councilor Pelletier requested Ms. Michaud provide a paragraph on the subdivision, what was required, salient details and a map.

FINANCIAL BUSINESS:

Town Administrator/ DPW Director Berlucahi – Request Authorization for Transfers

a. \$5,000 From Acct 5540-6794 (Drainage) to Acct 5540-6648 (Repairs & Tires)

b. \$5,000 From Acct 5540-6698 (Sand, Salt, Gravel) to Acct 5540-6648 (Repairs & Tires)

Director Berlucahi explained the Repair Account was being drained; the Landfill truck was 17 years old. Trying to fabricate something, balance of \$2,200 in the Repair Account. T/A Wojcik discussed with the Director, on track.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Authorization for Transfers of \$5,000 From Acct 5540-6794 (Drainage) to Acct 5540-6648 (Repairs & Tires) as well as \$5,000 From Acct 5540-6698 (Sand, Salt, Gravel) to the same Repair Account. Motion passed unanimously.

Town Administrator/Chief Lloyd – Request Authorization for Transfer of \$7,000 From Acct#3310-6443 (Equipment Service Contracts) to Acct#3310-7640 (Apparatus Maintenance)

Chief Lloyd explained the new months are covered under the warranty. Discussed with the Administrator.

Councilor Gerlach made a motion, seconded by Councilor Chabot to approve the Authorization for Transfer of \$7,000 From Acct#3310-6443 (Equipment Service Contracts) to Acct#3310-7640 (Apparatus Maintenance). Motion passed unanimously.

Town Administrator – Requesting Transfer of \$7,040 From Acct#1150-5102 (Planning Dept AFSCME Clerical) to Acct #1150-5100 (Dept Management Salary)

T/A Wojcik explained the transfer was between two salary line items in the Planning Department.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the request to Transfer \$7,040 From Acct#1150-5102 (Planning Dept AFSCME Clerical) to Acct #1150-5100 (Dept Management Salary). Motion passed unanimously.

Town Administrator – Requesting Transfer of \$14,521.60 to Treasurer’s Accrual Acct for Sakonnet River Bridge Toll Litigation – Accounts as Determined by Town Administrator – List Attached

T/A Wojcik explained \$16,500 was already set aside in anticipation of the payment, estimated \$33K at the time. Most accounts at this time in the FY are encumbered suggest taking the \$14K from Council Contingency as this is a one-time unanticipated expense due and payable. Solicitor Teitz explained some of this action was taken in Executive Session, Council initially authorized \$3K (\$9K for 3 towns) for a traffic study last July. The Towns engaged expert witnesses totaling, \$86,339.78, Tiverton’s 1/3rd portion was \$28,779.93, \$6,725 for traffic counts Tiverton’s portion, \$2,241.67. Tiverton’s portion totaled \$31,021.66. Remains a total of \$14,521.60 essentially reimbursing the Town of Portsmouth, the other Towns will reimburse Tiverton for the traffic study. Do not anticipate any more transfers in this FY. Judge Legur has indicated nothing will happen until the General Assembly takes action.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to approve the Transfer of \$14,521.60 to Treasurer’s Accrual Acct for Sakonnet River Bridge Toll Litigation. Motion passed unanimously.

NEW BUSINESS:

Street Advisory Committee – Requests Council Proceed With Recommendations

a.Lawrence Court, b.Winterberry Woods, c. Beach Tree Hill, d. Daniel T. Church Estates

President Roderick asked the Council to consider having a hearing with public notice on July 28, 2014. Town Clerk Mello questioned if certified mail was going to all four. Solicitor Teitz explained that was only a policy, recommend as a matter of due process to send certified mail. Suggested continuing to the next meeting, is a question of timing, did not want to keep people waiting. President Roderick had announced at the beginning of

the meeting there would be no public discussion on this item. Councilor Gerlach wanted to clarify the discussion, if this was a process, wanted the Street Advisory Committee (SAC) to understand the process. Audrey Gloddy, SAC, requested sending Beach Tree Hill back to the SAC, Winterberry Woods was just an update. Town Clerk Mello clarified certified letters would be sent to Daniel Church Estates, Beach Tree Hill was already presented by the Planning Board, was required to get a Homeowners Association together. The SAC has been pursuing this more. Winterberry, Beach Tree and Lawrence Court will be continued to the next meeting, will set a public hearing with notice on July 28,2014 for Daniel T. Church Estates.

DPW Director Berlucchi – Request Authorization to Dispose of 1997 Mazda Pickup Truck Used for Landfill – Sell for Scrap

DPW Director Berlucchi explained this 17 year old truck used at the landfill has died, will call the scrap yard on Fish Road, may get \$300 to put toward the General Fund.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to authorize DPW Director Steve Berlucchi to scrap the 1997 Mazda Pickup Truck. Motion passed unanimously.

Town Administrator/EDC Chair Scott Humphrey–Council Approval of Letter to be Sent to Governor Chafee Requesting State Involvement in Financing and Marketing of Tiverton Industrial Park

T/A Wojcik explained this was an attempt to draft a letter to be sent to the Governor on the Council's behalf, a plan B for the Industrial Park. There had been an RFP for the Park, was not a lot of interest. Met with EDC Chair Scott Humphrey and Kate Michaud on this approach, a first step in the process. The suggestion is to form a third party conduit to take the burden of financing off the Town to get close to pad ready, emphasis is on Town's existing infrastructure on this property. The Town invested millions of dollars; need State involvement to get to the next stage. Councilor Gerlach noted the content was well presented. Councilor Lambert called the letter well composed, questioned if this was the appropriate time for this letter. T/A Wojcik recommended it was more activity, more interest, the better. President Roderick noted Marcel Valois has been a proponent of the Town for a long time.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Letter to be sent to the Governor as drafted. T/A Wojcik noted it was a joint draft with Scott Humphrey and Kate Michaud. Motion passed unanimously.

Item taken out of order

President Roderick requested a motion to take K7, Solicitor Memo Regarding Shooting Gallery, out of order.

Councilor deMedeiros made a motion, seconded by Councilor Chabot to take item K7, Solicitor Memorandum Regarding Shooting Gallery out of order. Motion passed unanimously.

K- TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

7. Solicitor Memorandum Regarding Shooting Gallery

President Roderick stated at the beginning of the agenda this was not an open hearing, asked for a motion to receive and file. Solicitor Teitz noted it will probably be a public item on a future agenda, the Memorandum was the opinion of the Solicitor as it stands now. President Roderick requested two motions, one to receive and file and one to place on a future agenda. Councilor Chabot wished to comment before the motion, have a business in Town trying to expand services. The owner had a pre meeting with the Planning Board; this is basically a delaying tactic. Puts a burden on the investment owner, is a major investment. Had a pre meeting on May 4th, basically given the go ahead to proceed. A letter from the Building/Zoning Official's office assumed use of the property. Councilor Chabot wanted to discuss the Solicitor's letter to Council, gave a couple of action items, conclusions. Councilor Pelletier noted conflicting information from two officials which may or may not be a legal use, Councilor deMedeiros agreed, was unclear. Councilor Pelletier did not have a copy of the Zoning section referenced in the Building Official's letter. Solicitor Teitz will not be at the next Council meeting,

Assistant Solicitor Gina DiCenso will be covering; Solicitor Teitz will bring the Assistant Solicitor up to date. Councilor Pelletier wanted a copy of the Zoning Code section that allows Shooting Range Galleries in a General or Commercial Highway Zone. Solicitor Teitz noted commercial indoor entertainment was a permitted use in this zone, will see that in the ordinance. Councilor Chabot agreed, Indoor Commercial Recreation was a permitted use. Councilor Lambert suggested resolving at the next meeting, clearly not an agenda item for tonight, cannot consider until the next meeting. Councilor deMedeiros suggested having the Building Official who made the recommendation at that meeting. Councilor Pelletier again requested a copy of the Zoning code. Councilor Chabot also requested the packet that was handed out tonight by the business owner be included.

Town Clerk Mello requested moving item L1, FTR Update up to this point in the agenda.

Item taken out of order

Councilor Pelletier made a motion, seconded by Councilor Chabot to move item L1, Financial Town Referendum Update to before H1. Motion passed unanimously.

L- TOWN CLERK ITEMS AND ANNOUNCEMENTS- Moved up in the agenda

1. Financial Town Referendum Update

Town Clerk Mello gave a quick reminder. The Financial Town Referendum will be on Tuesday, May 20, 2014. Combined polling places are VFW for Districts 3301, 3302 and 3304, Countryview for Districts 3303 & 3305 and at Amicable Church for Districts 3306 & 3307. Polls open 7am to 8pm. Absentee Voting will be at the Town Hall only on May 15 & 16 from 8am to 8pm and on Saturday, May 17, 2014 from 8am to 4pm. Will be required to sign an affidavit, any questions call 625-6703. This information has been posted on the website, was advertised, posted the Warning around Town and at the library, sample ballot on the website.

Item taken out of order

Solicitor Teitz requested Closed Executive Session item #1, Litigation – Faulkner v. Town of Tiverton be moved up out of order to be taken at 9pm with Executive Session item #2, same attorney for both.

Councilor Lambert made a motion, seconded by Councilor Pelletier to move item #1 up out of order from Closed Executive Session to the 9pm Closed Executive Session. Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

1. Solicitor – 42-46-5(a) (2) – Litigation – Faulkner v. Town of Tiverton

2. Solicitor – 42-46-5(a) (2) – Potential Litigation and 42-46-5(a) (4)-Investigation – Fire Department

In Open Session Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation – Faulkner v. Town of Tiverton. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to stay in Closed Executive Session pursuant to 42-46-5(a)(2) – Potential Litigation and 42-46-5(a) (4)-Investigation – Fire Department. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:10 p.m.

The Council returned to Open Session at approximately 9:40 p.m.

OPEN SESSION:

In Open Session President Roderick announced no action had been taken on items #1 or #2 in Executive Session.

Councilor Lambert motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Pelletier the motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

Town Administrator – Request Authorization to Waive/Advertise Bids for Printing Tax Bills

T/A Wojcik explained the Town currently hires out the mailing of tax bill printing services, can do again or in the past without a competitive bid, has been waived. T/A Wojcik was not comfortable with that, an alternative approach is Sole Source if they could print tax bills, show overpaid accounts and have rolling accruals from past years (overdue bills). Tax Collector Toni Lyn McGowan explained the details. Just having tax bills printed does not reflect history, delinquencies or past due. Credits due to a customer have a 2 step process between the Collector and the Treasurer. The Treasurer has a collection of uncashed checks, looking to resolve this issue by using Vision Government Solutions, formerly known as Opal. They could print bills, bring any credits forward, reflect delinquent accounts. Vision could do a custom export file but not for this year. There is a strong need going forward for providing history, need ability to get add ons. Cannot achieve that goal with custom exports. The FTR is May 20, not enough time to go out to bid, suggesting doing that in January. Vision can provide timely results. The software is currently being used in office; they can add on or export current information on printed bills for \$5,794. This is slightly more than Document Technologies. Vision offers the ability to digitize, ability to pay online. Approximately \$4,400 to print the tax bills.

Solicitor Teitz suggested at this point to make this a Sole Source would be two motions. Can't keep happening year after year, suggest just for printing this year and then solicit multiple proposals. Tax Assessor Dave Robert noted the software is used in other offices, Building, Assessor and Collector. If the bid is just for Tax Collector software could cause a multitude of issues regarding the transfer of data. Usually have annual maintenance agreements which provide for updates. As far as sending out to print, this is a specific file format. Sounded like a core system to Councilor Arruda, basically technological debt can be very costly. Councilor Chabot noted data migration would be a huge issue.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to bypass the bid process for Tax Bill Printing Services, give the Town Administrator and Tax Collector the authority to make Vision Government Services for this year's Tax Bills as Sole Source. Motion passed unanimously.

Town Administrator – Request Authorization to Advertise Position of Building & Maintenance Foreman

T/A Wojcik explained the Maintenance Foreman retired April 21, the Union was given the opportunity to post, no one applied. Careful about drafting this advertising, Labor Counsel's opinion should be more detailed. T/A Wojcik requested advertising in the Fall River Herald News, the Newport paper and the Sakonnet Times.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the request to Advertise the Position of Building & Maintenance Foreman. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. The Art Council reception is Sunday, May 18 from 2pm-4pm here at the Town Hall.
2. In the monthly report from the Senior Center Director, deficiencies mentioned from the Fire Marshall regarding a circuit breaker box have been fixed.
3. Friends of Tiverton Library having a book sale on 5/31 at Ranger School from 10am-3pm.
4. Received many complaints about noise, vibration, detonations at Tiverton Materials. Sent a letter to the Fire Marshall to ask the State Fire Marshall to exercise authority they have about blasting, the company is supposed to document the size of the materials, etc. Ask the Fire Marshall to review those records.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor deMedeiros – Budget FY 14/15

Councilor deMedeiros has been asked quite a bit about the differences between the two budgets. Mr. Katz budget was the same as the Budget Committee's (BC), did not change any line item. The only difference is Mr. Katz's petition uses money from the General Fund (GF). The BC budget would have the lowest increase in over 10 years. The BC, School Committee and Town Council fiscally responsible budget is cut to the bone. Council did discuss taking money out of the GF, because of the library bond felt important to have a good amount in the GF.

Councilor deMedeiros read the letter from the Treasurer's report from the Budget Hearing, essentially advised against taking money out of the GF, should clear up some confusion.

Councilor Chabot – Town Administrator Objectives and Goals

Town Clerk collated what was received, have not given to the T/A in case the Council wanted to change or add. Councilor Chabot noted the T/A will be evaluated in August, have not given him any objectives for this 6 month period of time. President Roderick called this a good start, had no objection to giving to the T/A. Councilor Gerlach agreed, if the T/A agrees these are measurable. Councilor Arruda also questioned how this would be measured. Councilor deMedeiros noted the T/A may want to add his own.

President Roderick reminded Cancer Cure walk at Tiverton High School on May 14 from 5-7pm. Councilor Gerlach had concerns about litter flying from recycling trucks. At Grinnell's on Sunday noted the lack of trash barrels, people opened up the cleanup week bags, need more barrels. Town Clerk explained those were stored away for the winter. Councilor Gerlach noticed the stone wall near the large playground at Town Farm being dismantled by youngsters, wall needs to be rebuilt, suggest signage.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Open Meetings Act Complaint Decision – Pagliarini v. Tiverton Tax Assessment Board of Review

Solicitor Teitz had provided a copy of the letter from the Attorney General's office regarding an Open Meeting complaint against the Board of Tax Appeals, found in the Town's favor, dismissed the complaint.

2. McLaughlin v. Tiverton – Update

Solicitor Teitz updated had nothing in writing. The hearing was on Friday; Mr. McLaughlin went back to Court to say he did not receive the hearing notice. The Judge did not reopen the case; reset the claim for 90 days to remove the structure. The 90 days begin on May 9th; will check after that if not done will file a motion for contempt and fines.

3. Town of Tiverton v. LAL Construction, Inc. et al - Update

Solicitor Teitz updated on the Discovery request, the Town objected, the Court upheld the objection. That attorney will submit a public records request; will charge 15cents per page, \$15/hour. Formulating a response, voluminous material, will need more time.

4. Claim Received – Maguire – Referred to Interlocal Trust

Solicitor Teitz explained the Maguire claim against the Town was for Police brutality will be referred to the Interlocal Trust for defense. Councilor Gerlach has the utmost respect for the Police Department, knows many personally. The allegations here need to follow due process, read with a lot of concern. Not the only incident Councilor Gerlach was made privy to. Solicitor Teitz requested to be made aware of any incident with as much information as possible, without it doesn't know if it is a pattern or not. Cases are often filed just before the statute of limitations runs out. Not aware this complaint had been received, was not brought to Solicitor Teitz attention at the time. Do investigate, take seriously. Concerned by the allegation no one showed up for District Court.

5. Claim Received – Wordell – Referred to School Department

Solicitor Teitz explained, this is a slip and fall claim against the School Department (SD), goes to the SD and Interlocal Trust, SD has its own legal counsel.

Quarry Licensing Update

Solicitor Teitz brought in a box of the Clerk's quarry files, working on those files. The last time this was discussed a question about experts arose, going to move forward to schedule a public hearing. Will request a hearing date for July 14 or 28, up to the discretion of the Clerk and Solicitor. The public hearing will be on the ordinance, then can proceed in August for the licensing, trying to deal with blasting and non-conforming issues. Councilor Pelletier noted a major issue was in quarries operating within a license as to what they should be

allowed to do, the scope of what they could legally do. Solicitor Teitz and Kate Michaud, Planning Board Administrative Officer have met with most of the owners. Their position is they are exempt from the Earth Removal section, excluding the moving of rock or granite. Need independent people testing to get seismic readings. At a prior meeting, was suggested to contact a geohydrologist. Councilor Pelletier requested someone look at the holes, like to know size, depth. T/A Wojcik noted the expert advice would be very expensive. Town Clerk will put on next agenda to set the public hearing. Solicitor Teitz suggested sending someone from Commonwealth Engineering to look at the hole, have to get permission.

CLOSED EXECUTIVE SESSION:

3. Solicitor – 42-46-5(a) (2) – Distribution of Claim by Minor v. Town of Tiverton – School Department

4. Solicitor – 42-46-5(a) (2) – Quarterly Litigation Report

Solicitor Teitz requested moving items 3 & 4 to the Open Session without back up, not public documents, for information only.

Councilor Pelletier made a motion, seconded by Councilor Arruda to move items 5-3, Distribution of Claim by Minor v. Town of Tiverton – School Department and item 5-4, Quarterly Litigation Report for discussion only to the Open Session. Motion passed unanimously.

OPEN SESSION:

5-3-Distribution of Claim by Minor v. Town of Tiverton – School Department

This was another claim versus the SD by a minor, did not think minor's name appropriate at this point.

Quarterly Litigation Report

There are 3 parts to this report, a 13 page narrative, a 1 page Municipal Court log and a spread sheet of the cost of various items to date, will put on at next meeting.

CLOSED EXECUTIVE SESSION:

Councilor Chabot made a motion, seconded by Councilor deMedeiros to close Executive Session. Motion passed unanimously.

ADJOURNMENT:

Councilor deMedeiros motioned to adjourn, seconded by Councilor Chabot passed unanimously.

Council adjourned at approximately 10:55 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk