

**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 23rd day of June 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 - Absent	William P. Gerlach
	Denise M. deMedeiros-Vice President	Jay J. Lambert
	James Arruda	Brett N. Pelletier
	Joan B. Chabot	

Town Administrator, Matthew Wojcik 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 Vice-President deMedeiros read the items on the Consent Agenda.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the Consent Agenda as listed. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Town Council Meeting Minutes June 9, 2014- No Executive Session Held

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

- | | |
|--------------------------------------|-------------------------------------|
| a. Pocasset Hill Cemetery Commission | d. Open Space and Land Preservation |
| b. Wastewater Management Commission | e. Recreation and Beach Commission |
| c. Board of Canvassers (2) | |

A-3-Correspondence – Receive and File:

- a. Cecil Group Meeting Notes of June 11 and June 14 Workshops for the Comp Plan
- b. Town of Warren – Resolution Supporting The Municipal Road and Bridge Revolving Fund
- c. CRMC Public Notice Regarding Application of Mark Casey, Sunset View Drive to Construct and Maintain a Residential Boating Facility

A-4-Tax Assessor – Approval of Abatements

BUSINESS BROUGHT BEFORE THE COUNCIL

Item moved up in the Agenda

Councilor Lambert made a motion, seconded by Councilor Chabot to move item G3, Representative John G. Edwards - Regarding House Bill H-7631 and Update on Legislative Session at this point. Motion passed unanimously.

NEW BUSINESS:

G3-Representative John G. Edwards - Regarding House Bill H-7631 and Update on Legislative Session

Representative Edwards explained this bill passed the House and Senate overwhelmingly. Last year the Town Council passed a resolution in opposition to similar bills. These bills would allow a contractor to build a house on speculation, offer them a moratorium for 2 years. They would get no money for improvements until sold or occupied; the Town would get a sizable increase in taxes, no loss to the Town. The State as a whole needs to look at construction. Request the Council rescind the resolution and send a letter of support to the Governor. Councilor Lambert did have a problem with the legislation, did not believe it would create a single job or rehab property. Rep. Edwards explained the builders association in the State of RI

brought forth this legislation housing starts are diminished. This bill was very different from last year, added existing housing. Councilor Lambert did not see how this would benefit the local community. Tax Assessor Dave Robert did not argue for or against, if this bill passes indicates a tax shift to the residents. Councilor Pelletier concluded this bill might be more appropriate to others, not Tiverton; do not need to incentivize residential development. Appreciated Representative Edwards's efforts. VP deMedeiros thanked Rep. Edwards.

A-5-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

Barbara Pelletier – Travel, Tourism, State Meals Tax Report and “My Town” Article

Barbara Pelletier submitted ideas for tourism, meals tax has been going up. Among the ideas suggested renting out Fort Barton. Do not have a tourism board, suggested creating an app for that. Councilor Lambert suggested focusing on one or two ideas, give them to the T/A to set short term and long term goals. Councilor Lambert thanked Mrs. Pelletier.

Linda Larsen – Request Approval to Hold Celebrate Tiverton Festival July 24th Through July 27th Subject to Recreation Committee Approval and All Necessary Permits

Linda Larsen, Celebrate Tiverton, explained the Festival would be from July 24 to July 27, corrected the dates on the agenda request. The kickoff is on Thursday, July 24. A beach bonfire with acoustic music will be on Friday, July 25 at Grinnell's. Will also be a Yacht Club flotilla. Saturday, July 26 will be the parade starting at 10:00 am, same route as last year. In the evening a summer cookout and stargazing will be at Sandywoods. A road race will be held on Sunday, July 27 at the High School, looking at a kayak tour on that morning as well. Can go to the website, www.celebratetiverton.org. It is also on Facebook, Twitter and Instagram, looking at setting up an app.

Councilor Lambert made a motion, seconded by Councilor Pelletier to approve the request to have the Tiverton Celebrate Festival July 24 through July 27, 2014, subject to Recreation Commission approval and all other necessary permits. Motion passed unanimously.

Susan Gill provided EDC pamphlets to the Council- Chamber of Commerce, Discover Arts in Tiverton and Experience RI Tours. RI is looking at a tax free day, promoting the concept, is on the Town website.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

Michael Marc Jean – Public Hearing on Abandonment of a Portion of Roy Street (formerly known as Walnut Street) from Crandall Road to Hemlock Street

Michael Marc Jean was asking to abandon a portion of Roy Street up to Crandall Road to Hemlock Street to establish a driveway. Councilor Lambert had looked at that area. Solicitor Teitz explained, Mr. Jean had previously requested an easement for a “paper street” over the utilities. Road only exists on paper, Roy Street does not exist in that portion. It was referred to the Planning Board regarding the easement request. The Planning Board returned the petition to the Council without a recommendation. The abandonment was advertised, all the people on the street were served with notices. VP deMedeiros opened the Public Hearing for comment, called for comments three times. Paul Bolduc, 30 Bolduc's Lane questioned what Mr. Jean was trying to do. Solicitor Teitz explained the request was for an abandonment of a portion of the street, no longer a public street. Mr. Jean explained it was for lot 335 to do a driveway off Bolduc Lane. Solicitor Teitz noted, east of Hemlock Street stays as a public street. Mr. Bolduc did not have a problem with this request. VP deMedeiros seeing no on the comments closed the public hearing.

Councilor Lambert made a motion, seconded by Councilor Gerlach to grant the Petition to Abandon a Portion of Roy Street (formerly known as Walnut Street) from Crandall Road to Hemlock Street as indicated and set forth in agenda item B1. Solicitor Teitz requested adding to the motion a Finding that the road has ceased to be useful to the public. Councilor Lambert amended the motion, passed unanimously.

Town Clerk Mello ascertained from Mr. Jean the notice placed on the abandoned building was done by a Constable. Mr. Jean affirmed, will give the Clerk a copy.

Chief Blakey – Public Hearing on Proposed Amendment to Code of Ordinances – Chapter 78 – Traffic and Vehicles, Sections 78-71 and 78-66 - No Parking along a Portion of Russell Drive

Police Chief Blakey explained the issue is where the hill drops off, hazardous in that area if vehicles are parked on the roadway. Like to have posted No Parking Signs and Blind Driveway Signs in both directions. VP deMedeiros opened the

hearing for comments from the public. Called for comment three times, hearing none closed the public comment portion. Councilor Chabot questioned if this was advertised in the newspaper. Town Clerk Mello affirmed was in the Sakonnet Times. Councilor Chabot questioned if there were any accidents. Chief Blakey explained there were several near misses. If vehicles are parked on the shoulder the motorist in either direction cross over the line. VP deMedeiros received calls regarding this issue. Chief Blakey also requested the Blind Driveway Signs so motorists are aware of the hazardous area.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the Amendment to the Code of Ordinances, Chapter 78- 71, Traffic and Vehicles, No person shall park a vehicle on the north shoulder of Russell Drive between utility poles #7 and #5 and Chapter 78-66, Parking Prohibited in Specified Places for a Blind Driveway Sign to be located in the area of utility pole #7 on Russell Drive. Motion passed unanimously.

T/A - Public Hearing on Proposed Changes to Code of Ordinances Section 2-1 – Fees and Fines Resolution

T/A Wojcik reviewed the Fees and Fines, most set by State statute. On May 6 sent a memo to every Department Head or Board and Commission, filtered the response. For a number of line items the Planning Board recommended changes to some of the language so as to make the calculations more accurate. The Cemetery Commission is recommending an increase, have provided back up to support. Recreation, because of delays would have been part of this budget, on Saturday already had signs up, the budget for next year would reflect these changes. Hired a Recreation Coordinator, like to give Recreation a chance to vet proposals. Prices all over, should be a separate policy. Councilor Gerlach supported taking Recreation separately, had a lot of positive feedback regarding the Coordinator. Need additional time to benchmark summer programs against neighboring communities. T/A went through listing.

Page 4- Councilor Gerlach suggested a stiffer penalty for littering for a first offense. Questioned on Page 5 the difference between Junk dealers and junkyards. Solicitor Teitz explained if buying and selling used goods lumped in that category. Page 7, Minibikes violations are in the Code of Ordinances, set by Municipal Court. Page 9, Commercial Plan Review- Fire Department set by State. T/A Wojcik referring to litter suggested including fish carcasses at public beaches in order to get a handle on that issue. Councilor Pelletier still did not have a comprehensive understanding of what fees are set in reality. Bruce Cox, Harbor Commission Chair explained discussed mooring fees. Bills sent out in December, recommended an increase in the fee 3 years ago to fund the operation of a pump out boat, was recommended to reduce based on the concept of use of benefit. The Harbor Commission is a profit center for the Town, brings in approximately \$30-40K. Unless the Council can put a capital budget for a pump out boat do not want to apply for another grant, well worth having the service. Councilor Pelletier questioned pages 4 & 5, various licenses, wanted to know the basis, where set, how they are set. Solicitor Teitz explained most come from State law, most at State max. DPW Director Berlucchi has checked with other Towns on street excavator permits, covers the cost of the research, well within reason. Several Councilors requested back up, the requirements on where it is in State law, which ones the Council can change. Want to know what is set by State, locally and historically. Councilor Pelletier noted this to be a very important component for business in the Town.

The Beach Fee schedule was discussed, most recent recommendations for weekday and weekend. Fee proposed for Non-residents Weekday \$5, \$10 on weekends. Campers/RV's \$15 for weekdays, \$25 for weekends. Season pass for a non-resident proposed for \$100. Need to find a way to maintain and upkeep, restroom facilities are rough. Councilor Gerlach suggested dedicated parking areas for campers. Advocate for a higher fee for non-residents, \$10 for weekday and \$20 for weekends. Councilor Pelletier suggested increasing the fee might address some of the trash issue, majority of cars from out of state after 6pm.

Vice President deMedeiros opened the hearing to comments from the public. John Cordeiro, Recreation Commission member suggested a dedicated account for Recreation; monies go back into the General Fund. Need to look at the trash problem, not this bad in the past. Maintenance of facility has changed. Trying to generate some revenue for ball field fees, for profit league should pay. Any Town youth organization would still be free. Would request a fee for tournaments not benefitting Town residents. Will be discussing at the next Recreation meeting some type of parking by permit only. T/A Wojcik explained trash pickup at the beach did have employee who emptied the trash every day. In the past had at least 2 people with a truck and a trailer to haul the trash. Do not have a dedicated vehicle, may not be in the job description of other employees. Fogland restroom was stuffed with rocks, had to be cleaned, required added resources. Thanked Chief Blakey for being responsive, may need more enforcement activity. Christopher Clarendon, member of Fogland Beach Oversight Committee, affirmed what the T/A said regarding dumping at Fogland, a minimal fee adjustment justified in this case. Speaking as a private citizen, regarding mooring fees, already being taxed as a resident, should have resident commercial and non-resident commercial. VP deMedeiros closed the public hearing at this time. Will send the Fee table back to the Administrator for more back up on what is required. Town Clerk Mello suggested doing some sections at a time. Councilor Pelletier suggested taking the Cemetery Commission fees, no request for changes from DPW. Planning Board fees will require a longer conversation.

Councilor Pelletier noted the Cemetery Commission requested an increase from \$400 to \$500. Fees for graves in nearby Fall River were substantially higher Councilor Pelletier questioned if \$500 was going to be enough John Christo and Ann Turcotte Cemetery Commission members answered questions from the Council. Mr. Christo explained, the Cemetery was for Town residents, handed out a worksheet regarding balances, have a working balance of \$123K. The price would be \$500 per grave.

Councilor Pelletier motioned to approve the recommended Fee Schedule increase by the Pocasset Cemetery Commission for the Pocasset Hill Cemetery as submitted increasing from \$400 to \$500 for a single plot. Solicitor Teitz questioned how the fee was charged for a grave opening. Chairwoman Turcotte explained the maintenance superintendent was in charge of collecting those fees. Councilor Gerlach seconded the motion, passed unanimously.

Chairwoman Turcotte questioned if the new fee had to be put in the paper. Solicitor Teitz explained, could be done as a courtesy, does not have to be advertised. Councilor Pelletier thanked them both.

Councilor Pelletier motioned to adopt the Fee Schedule for the Department of Public Works. Seconded by Councilor Gerlach, passed unanimously.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to increase Non-Resident beach fees for Grinnell's and Fogland from \$5.00 for a weekday fee for non-resident to \$10.00 and weekends and holidays from \$10.00 to \$20.00. Discussion followed. Councilor Arruda suggested a beach trash bag discount fee, might help incentivize people to pick up their own trash. Councilor Pelletier thought the problem to occur after the attendants leave. Vice President deMedeiros suggested locking the gate after sunset. Councilor Gerlach noted the need to discuss the operational component, may need to reallocate revenue dollars at some point. Motion passed unanimously.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to increase the Weekday Fee for Residents for Campers/RV's from \$15.00 to \$25.00 and Weekends/ Holidays from \$25.00 to \$35.00. Councilor Gerlach noted it was a flat fee for Residents or Non-Residents. Councilor Gerlach restated the motion to increase the Weekday Camper/RV fee from \$15.00 to \$25.00 and Weekend/Holiday fee from \$25.00 to \$35.00, assuming the increase is effective July 1st. Motion passed unanimously.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to accept the Non-resident Season Pass Fee at \$100. Motion passed unanimously

Councilor Pelletier questioned if there would be further discussion on the ball field fee. T/A Wojcik added there was a distinction between resident and non-resident, profit and non-profit. Councilor Pelletier noted a policy would go a long way. Solicitor Teitz made note, all other fees would remain the same, need a motion to continue.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to continue the Public Hearing on the Proposed Amendment to the Code of Ordinances - Section 21- Fees and Fines Resolution to July 14. Motion passed unanimously.

TOWN COUNCIL SITTING AS BOARD OF LICENSING:

There were no items on the agenda for licensing.

APPOINTMENTS & RESIGNATIONS:

1. Appointments – Group A

a. Cemetery Commission– 2 Vacancies - 3 Year Terms to April 15, 2017

1. Shirley Moller, 62 Beech Street - Seeking Re-Appointment

2. Anne Turcotte, 279 Hilton – Seeking Re-Appointment

VP deMedeiros suggested the Council motion on only the reappointments do the new appointments at the next meeting. Requested members speak briefly, if in attendance, why seeking reappointment. Shirley Moller was dedicated to seeing the completion of the Cremation area. Ann Turcotte has been on the Commission for 15 years, last 10 as Chair, finds rewarding,

Councilor Gerlach made a motion, seconded by Councilor Pelletier to reappoint Shirley Moller and Ann Turcotte to 3 Year Terms on the Cemetery Commission to April 15, 2017. Motion passed unanimously.

b.Conservation Commission 3 Vacancies– (2) 3 Year Terms to April 15, 2017 and (1) Unexpired Term to 4/15/2015

1.Peter Mello, 1912 Crandall Road - Seeking Re-Appointment

2. Dr. Thomas Ramotowski, 17 Beaudoin Road - Seeking Re-Appointment

Mr. Mello has spent the last 2 years working on the Stafford Pond issue, Dr. Ramotowski could not attend.

Councilor Gerlach made a motion, seconded by Councilor Arruda to approve the Reappointment of Peter Mello and Tom Ramotowski for 3 Year Terms to Conservation Commission, terms to April 15, 2017. Motion passed unanimously.

c.Historical Cemeteries Commission 2 Vacancies – 3 Year Terms to April 15, 2017

1. Robert C. Martin, 313 Neck Road - Seeking Re-Appointment

Mr. Martin was not in attendance.

Councilor Chabot made a motion, seconded by Councilor Pelletier to Reappoint Robert C. Martin to the Historical Cemeteries Commission to a 3 Year Term to April 15, 2017. Motion passed unanimously.

d.Open Space & Land Preservation Commission – 3 Vacancies –3Year Terms to 4/15/2017

1. Dennis Culberson, 389 Brayton Road - Seeking Re-Appointment

2. Gayle Lawrence, 108 Long Pasture Way - Seeking Re-Appointment

Mr. Culberson was not in attendance; Mrs. Lawrence left the meeting before the reappointments were addressed.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Reappoint Dennis Culberson and Gayle Lawrence to the Open Space & Land Preservation Commission each for a 3 Year Term to 4/15/2017. Motion passed unanimously.

e.Recycling/Landfill Committee - 3 Vacancies – 3Year Terms to 4/15/2017

1. Richard Guimond, 37 Neck Road - Seeking Re-Appointment

2. Steven P. Rys, 201 Bridle Way - Seeking Re-Appointment

Mr. Guimond has been on the Committee for 2 years, would like to continue. Mr. Rys was unable to attend.

Councilor Pelletier made a motion, seconded by Councilor Chabot to reappoint Richard Guimond and Steven P. Rys to the Recycling/Landfill Committee both to a 3 year term to 4/15/2017. Motion passed unanimously.

f.Stone Bridge – 2 Vacancies (One Public Member, 1 Business Owner) –3Year Terms to 4/15/2017

1. Linda M. Jenkins, 25 Rim Rock Court - Seeking Re-Appointment as Public Member

2. Chee Aphrodite Laureanno, 1763 Main Road – Seeking Re-Appointment as Business Owner

Mrs. Jenkins has been on the Committee since 2004, Stone Bridge area close to completion.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to reappoint to the Stone Bridge Committee Linda M. Jenkins as a Public Member and Chee Aphrodite Laureanno as a Business Owner, each to a 3 year tem to 4/15/2017. Motion passed unanimously.

2. Appointments – Group B

g.Economic Development Commission – One Vacancy – 4 Year Terms to July 15, 2018

1. Melissa R. Hutchinson, 203 Hooper Street - New Request for Appointment

Ms. Hutchinson has lived in Town 10 years, registered Architect, Professor at RWU, interested in working with the EDC. Councilor Pelletier noted the letter of endorsement from Scott Humphrey, Chair of the EDC.

h.Harbor & Coastal Waters Management Commission – 5 Vacancies – 2 (2) Year Terms to July 15, 2016 and 3 (1) Year Terms to July 15, 2015 to Stagger Appointments

1. Bruce H. Cox, 35 Sunset View Drive - Seeking Re-Appointment

2. Melinda Foley-Marsello, 3991 Main Road - Seeking Re-Appointment

3. Charles E. Lawrence, 108 Long Pasture Way - Seeking Re-Appointment

4. David Stewart, 593 Highland Road - Seeking Re-Appointment

Mr. Cox, Chair of the Harbor Commission was in attendance. Town Clerk Mello explained in order to keep the terms staggered some of the appointments are for one year.

Councilor Lambert made a motion, seconded by Councilor Chabot to reappoint Bruce Cox and Melinda Foley-Marsello to the Harbor & Coastal Waters Management Commission, each to a 2 year term expiring July 15, 2016. Motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to reappoint Charles Lawrence and David Stewart to the Harbor & Coastal Waters Management Commission, each to a 1 year term expiring July 15, 2015.

i.Planning Board – 2 Vacancies –3Year Terms to 7/15/2017

1. Noel Berg, 281 Indian Point Road - New Request for Appointment

2. Edward T. Campbell, 90 Charles Drive #5 – New Request for Appointment

3. Susan Gill, 1392 Main Road - New Request for Appointment

4. Peter M. Moniz, 83 Captain’s Circle – Seeking Re-Appointment

VP deMedeiros noted there were 2 vacancies, four people requesting appointment.

Mr. Berg would like to see real estate taxes reduced, meaningful economic growth. Have served on various boards including the Planning Board for 18 years. Mr. Campbell is a retire Federal Investigator, Vietnam Veteran, experienced with government. Mrs. Gill is on the EDC and Recreation Commission, looks at the broader picture. Peter Moniz was unable to attend.

j. Zoning Board of Review – One Vacancy - 5Year Term to 7/15/2019

1. Lise Gescheidt, 938 Lake Road – Seeking Re-Appointment

Ms. Gescheidt was not in attendance.

Councilor Pelletier made a motion, seconded by Councilor Chabot to reappoint Lise Gescheidt to the Zoning Board of Review for a 5 year term to 7/15/2019. Motion passed unanimously.

k.Zoning Board of Review - Alternate – One Vacancy - 1 Year Term to July 15, 2015

1. Wendy Taylor Humphrey, 3198 Main Road – Seeking Re-Appointment

Ms. Taylor Humphrey was not in attendance.

Councilor Pelletier made a motion, seconded by Councilor Chabot to reappoint Wendy Taylor Humphrey to the Zoning Board of Review, Alternate, to a 1 year term to July 15, 2015. Motion passed unanimously.

3. Appointments – Group A

l. Housing Authority – One Vacancy – 5Year Term to 10/15/2019 One Vacancy Unexpired Term to 10/15/2018

1. Bobby J. Harris, 442 Stone Church Road – Seeking Re-Appointment

2. Agnes M. Johnson, 97 Topsail Drive - New Request for Appointment

3. Christopher L. Nearpass, 110 Stoney Hollow Road - New Request for Appointment

Town Clerk Mello explained applicant Agnes Johnson withdrew the appointment request. Mr. Harris has been the Chair of the Housing Authority for 5 years. Mr. Nearpass was looking to fill his late wife’s position, has attended many meetings.

m. Juvenile Hearing Board 2 Vacancies – 3Year Term to 10/15/2017

1. Rene G. brown, 325 State Avenue – Seeking Re-Appointment

Ms. Brown was not in attendance.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to reappoint Rene G. Brown to the Juvenile Hearing Board for a 3 year term to 10/15/2017. Motion passed unanimously.

n.Historic Preservation Advisory Board – Three Vacancies – 3 Year Term to 10/15/17

1. Stuart Hardy, 5 Summerfield Lane – Seeking Re-Appointment

Councilor Pelletier made a motion, seconded by Councilor Chabot to reappoint Stuart Hardy to the Historic Preservation Advisory Board to a 3 year term to 10/15/2017. Motion passed unanimously.

o.Tax Assessment Board of Review – One Vacancy – 3 Year Term to 10/15/17

1. Kathleen G. Skrzypiec, 230 Kearns Avenue – Seeking Re-Appointment

Councilor Pelletier made a motion, seconded by Councilor Chabot to reappoint Kathleen G. Skrzypiec to the Tax Assessment Board of Review to a 3 year term to 10/15/2017. Motion passed unanimously.

Councilor Pelletier noted vacancies on the following Boards and Commissions: Conservation, Historical Cemeteries, Open Space, Recycling/Landfill, Harbor Commission, Juvenile Hearing Board and Historic Preservation Advisory Board.

UNFINISHED BUSINESS:

Pauline Richard – Request for Streetlights Installed on Ledoux Lane from Winterberry to Teaberry- Recommendation from DPW Director – Continued from June 9th

Director Berlucchi, following up from last meeting, received a response from National Grid. No cost for installation. A 100-watt light costs \$139 per year; a 250-watt light would be \$236 per year. Director Berlucchi supported installation of this light at this intersection for safety reasons.

Councilor Gerlach made a motion, seconded by Councilor Chabot to move forward with the installation of a 100-watt streetlight on Ledoux Lane at the intersection of Ledoux Lane. Motion passed unanimously.

Councilor Pelletier requested the Town Clerk contact Mrs. Richard regarding this item.

FINANCIAL BUSINESS:

Chief Lloyd–Req Transfer of \$32,600 From Acct#3310-5101 (Base Salary) to Acct#3310-5104 (Overtime)

Chief Lloyd explained the transfer request was to get to the end of the year. Have to have a minimum of 7 employees on duty. Two members on long term leave, two others out on extended sick leave. T/A Wojcik explained another resignation was received this week. Councilor Gerlach noted for the record, the Collective Bargaining Agreement has the Council's hands tied a bit; need to get at the root cause.

Councilor Pelletier made a motion, seconded by Councilor Arruda to authorize the Transfer of \$32,600 from Acct#3310-5101 (Base Salary) to Acct#3310-5104 (Overtime). Motion passed unanimously.

Chief Blakey – Request Transfer of \$9,100.47 to Acct 3330-6930 (Communications) From Accts: 3330-5107 (Holiday) for \$4,849.20 3330-5106 (Out of Rank Pay) for \$2,210.60 3330-6912 (Electric) for \$1,014.56 3330-7611 (Gasoline) for \$1,026.11

Chief Blakey explained the transfer was to replace older radio equipment, falls in this year's budget. Costs approximately \$2,600 each for the base, the portable unit \$2,400. T/A Wojcik noted for the record received 3 quotes from the State Bid List, MPA#395.

Councilor Pelletier made a motion, seconded by Councilor Arruda to approve the Transfer request as indicated from the 4 accounts, Holiday, Out of Rank, Electric and Gasoline for a total of \$9,100.47. Motion passed unanimously.

NEW BUSINESS:

Board of Canvassers – Requesting Public Hearing on July 14th Pursuant to Section 1205 of the Town Charter for November Ballot Question Regarding Amending the Charter to Change the Date of the Financial Town Referendum From Third Tuesday in May to Third Saturday in May

Bobby Harris, Chair of the Board of Canvassers (BOC) was requesting a Public Hearing on July 14th for a Charter change for the November ballot on the Financial Town Referendum (FTR). Requesting changing the FTR to the third Saturday in May. Would have one poll at the High School, save money. Town Clerk Mello added it was only to change the date of the FTR. The BOC by Charter handles absentee and polling locations. Gives the opportunity to go to one facility. Would be a local question on the ballot, Solicitor Teitz to review the wording. Councilor Lambert questioned if the BOC would use another location as well. Town Clerk explained other Towns use their town hall, cannot accommodate that parking here at the Town

Hall. Solicitor Teitz noted there was still absentee voting for 3 days. Chairman Harris noted the BOC was not trying to disenfranchise anyone. Councilor Lambert wanted to make sure the BOC would have the discretion to make any necessary moves.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve setting a Public Hearing for July 14 for a local question as to whether to change the date of the Financial Town Referendum to the 3rd Saturday in May. Motion passed unanimously.

Councilor Pelletier – a. Resolution in Support of RI Historic Tax Credit Program
b. Support for Coalition for Neighborhood & Economic Renewal (CNER)

Councilor Pelletier, sensitive to the State budget process and the late hour, proposed sending a resolution in support of continuation of the RI Historic Tax Credit program. It is not currently part of the State budget, is an important component to RI infrastructure and the economic base. The Bourne Mill was awarded a historic tax credit. Typically credit programs are coupled with other subsidies. Restores and rehabilitates historic buildings, provides incentive for developers. Competing states have several tax credits, helps to incentivize, helps to adaptively reuse structures for affordable housing.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to support a Resolution in support of Historic Tax Credit in Rhode Island as outlined in item G2a and as well as support the Coalition for Neighborhood & Economic Renewal (CNER) as described in item G2b.

Proposed Ordinance Amendment to Chapter 59 of the Code of Ordinances - Planning Department – Public Hearing Scheduled for July 14th

Solicitor Teitz explained the proposed ordinance amendment was already authorized for advertising, just presenting to the Council before the public hearing scheduled for July 14. No action necessary at this time.

Proposed Ordinance for Licensing of Shooting Gallery for Public Hearing Scheduled July 28th

Solicitor Teitz explained after the last Council meeting discussion on shooting ranges prepared a draft ordinance, a basic outline of the requirements applying to indoor and outdoor shooting ranges. Includes State language for initial ones and those existing shooting ranges to come into compliance. Ready to be advertised for July 28. Councilor Arruda recalled an email that questioned whether this hearing might not be needed. Solicitor Teitz further reviewed the General Laws, Title 11 where it calls for the licensing of these. The Town Council is the duly licensing authority, believes is necessary. Councilor Chabot differed cited General Law 11-47-2, definitions that place authority for licensing under Police Chief. Solicitor Teitz noted the last line; the Charter clearly puts the Town Council as the licensing body, except in the first paragraph where it applies to concealed weapons. Westerly does not have a police force so the Clerk issues permits. The last line clearly indicates the Town Council under the Charter and the Code of Ordinances as the Board of Licensing. Councilor Chabot disagreed, should be done by the Police Chief, they issue retail licenses to gun clubs, concealed weapons permits, should do with shooting ranges. Councilor Gerlach clarified, the proposed ordinance was needed to establish a process for issuing licenses and the body that issues the shooting licenses. Solicitor Teitz interpretation was the licensing body was the Town Council, the only question is whether the Town Council wants to establish a process or not. Councilor Gerlach noted the public hearing would be about how to establish the process.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to move forward with advertising for the Proposed Ordinance on Licensing for Shooting Ranges (Shooting Galleries) for a Public Hearing on 7/28. The motion passed on a vote of 4-2, Councilor Arruda and Chabot opposed.

Proposed Ordinance Amendment to Chapter 15 – Drinking Water Reservoirs for Public Hearing Scheduled on July 28th

Solicitor Teitz explained Stafford Pond at one time was licensed for Sea Plane landings, which is no longer the case, has been removed by the FAA. Have been taking a series of efforts to protect the drinking water quality, is a small step. Will alleviate the problem of sea plane landings except for an emergency landing.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to advertise for a Public Hearing July 28 for the proposed Ordinance Amendment to Chapter 15-Drinking Water Reservoirs. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

DPW Director–Req. Award of Bid - Landfill Engineering Services to PARE Corp for \$38,200/year for 3 Years

DPW Director Berlucchi explained this bid award is qualification based; PARE has been at the top of the selection process for 30 years providing landfill engineering services. Bid price is the same for the 3 years, 1% higher than the last contract for additional testing, monitoring. Will be applying for another 3 year license from DEM. Recommend bid award for \$38,200 per year for 3 years.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to Award the Bid for Landfill Engineering Services to PARE Corp. for \$38,200/year for Three Years. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. At 10:00 am this morning received a visit from the Governor, Marcel Valois Executive Director of the Commerce Department, Steve Hahn and Steve King regarding various proposals for the Industrial Park. The Governor authorized his staff to pursue an organizational design to develop the Park, explore process of EDA grants from the Federal government by mid-October. Toured the Park with VP deMedeiros and Scott Humphrey.
2. Code Enforcement Officer position is being advertised for the 3rd time. The first time not have sufficient funds, second time no qualifying candidate. This time using a highly specialized websites, resumes due by July 11, then advertise again.
3. Advertised for a Town Planner, received seven qualified candidates, pared down to 4. Put an ad hoc group together, plan to bring to the Council in the future after establishing the legal authority.
4. The Newport County Chamber of Commerce has received a \$100K grant from the Van Buren Foundation for an RFP for a region based EDC. A significant organization will help with the Park and other things. Tiverton's meal and beverage tax has gone from \$106K to 197K, very significant number. Councilor Lambert was surprised to find out the most profitable business was a hotel combination with a banquet hall.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Pelletier noted the Stone Bridge reimagined (Sea Side Gas Station) charrettes on Friday July 18 from 10am to 2pm and 6pm to 9pm and Saturday July 19, 9am to 2pm at Fort Barton School. Councilor Gerlach noting the website to be a pull communication mechanism, don't have a push communication mechanism. Like to consider the Town creating its own Facebook site, low cost. Police Department has a fair amount of success.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

Solicitor Correspondence Regarding RFP for Auditor Services

Solicitor Teitz provided as FYI to the Council a letter the Auditor General regarding the RFP for auditor services.

Attorney General – Notice of Open Government Summit on August 1, 2014

Solicitor Teitz noted on Friday, August 1, the Open Government Summit is at Roger Williams University from 9am to 12:30 pm. Three people from the Town must attend T /A Wojcik, Town Clerk Mello and Police Chief Blakey. Encourage the Council and other Board members to attend.

Bay Street Area Moratorium

a.Report on Remediation b.Vote on Extension of Moratorium to December 31, 2014

The Moratorium expires June 30, researching final settlement documents, have a good indexing system in Land Evidence records for the final clean up documents. Going to be a file cabinet just for Bay Street, DEM has the original of all these, will have an entire set at the Town Hall. Clean up is still going on. Item b is to vote on an extension to the Moratorium, prohibits excavation digging without the appropriate precautions.

Councilor Pelletier motioned, seconded by Councilor Gerlach to Extend the Moratorium Bay Street Area to December 31, 2014. Initially adopted 2/9/2004, has been going on over 10 years. Motion passed unanimously.

Moratorium Resolution attached at end of minutes.

Eagleville Road Realty, LLC (Site Ready) v. David Collins, et al – CA No: NC14-218 Appeal of Board of Appeals to Superior Court

Provided for FYI, the appeal by Eagleville Road Realty, (Site Ready), also under a separate litigation in Executive Session. The Zoning Board sitting as the Planning Board of Appeals upheld a decision of the Planning Board denying the plan for a transfer station. This decision has been appealed to the Supreme Court. Solicitor Teitz accepted service for the Town, working on a response.

Ernest J. Cordeiro, Jr. vs. Title Investment Co, RIGP; Town of Tiverton - C.A.14-247

Brand new lawsuit, FYI, Ernest J. Cordeiro vs the title company and the Town, property sold at tax sale, lost the right of redemption, is now suing, claims not properly noticed. Do not think the Town has any liability. Not taking a position on a temporary restraining order on the sale of the property.

TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk reminded candidate declaration were due by Wednesday at 4pm.

CLOSED EXECUTIVE SESSION:

1. Town of Tiverton v. LAL Construction, Inc. et al

2. Solicitor – 42-46-5(a) (2) – Potential Litigation Earth Removal Enforcement

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

Councilor Lambert made a motion, seconded by Councilor Chabot to enter Closed Executive Session pursuant to 42-46-5 (a) (2) - Town of Tiverton v. LAL Construction, Inc. et al. 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) – Potential Litigation Earth Removal Enforcement. 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) – Quarterly Litigation Report. Motion passed unanimously.

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

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

OPEN SESSION:

In Open Session Council Vice President deMedeiros announced no formal action was taken in Executive Session.

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

ADJOURNMENT:

Councilor Pelletier motioned to adjourn. Seconded by Councilor Lambert, motion passed unanimously.

Council adjourned at approximately 11:35 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**TOWN OF TIVERTON, RHODE ISLAND
343 HIGHLAND ROAD**

RESOLUTION-ORDINANCE OF THE TOWN COUNCIL

WHEREAS, it has been discovered during the laying of a main sewer line that the Town of Tiverton has substantial soil contamination in the Bay Street Area; and

WHEREAS, the Town of Tiverton is performing substantial testing and analysis for contaminants in the Bay Street Area; and

WHEREAS, the Town awaits the results of extensive testing in the area ordered by the Department of Environmental Management, and

WHEREAS, the discovery of chemicals and metals has put unusual and serious demands upon the Town for the protection of the public health and in planning for and conducting the orderly management of the situation, and

WHEREAS, the Town believes it is in the best interest of the public to appropriately regulate and manage any and all soil excavation activity that occurs within an area defined as that area bounded on the North by State Avenue, on the West by the Sakonnet River, on the South by Lepes Road and on the East by Church Street (extended to State Avenue and Lepes Road (see map following); and

WHEREAS, the Council hereby finds that there is evidence of a potential health risk within the defined portion of the said area which would be contrary to the best interests of the residents of that location and that this situation requires close monitoring by the Council; and

WHEREAS, a moratorium on soil excavation and land development projects of any sort and the issuance of building permits to develop, redevelop, restore, modernize and/or alter existing buildings and properties located within the defined portion of the area is necessary to prevent changes or alterations in the lay of the land until the Department of Environment Management, the Department of Health and the Town Council have had the opportunity to review plans for the clean up or restoration of such area that is in the best interests of the community; and

WHEREAS, an emergency moratorium was adopted as a Resolution-Ordinance of the Town Council on September 8, 2003 and will expire on March 8, 2004 unless otherwise extended by further acts of the Town Council,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Tiverton as follows:

1. The Town Council of the Town of Tiverton hereby declares that a moratorium on the excavation or digging in any way of any soil in the above defined contaminated area or in any other area of the Town found to be contaminated is necessary to reasonably insure the maintenance of the public health, safety and welfare. An exception is granted to the Engineering firms conducting the testing. Other exceptions may be granted based on special circumstances.

2. The moratorium established in this resolution ordinance shall expire on March 8, 2004. However, the Town Council shall reserve unto itself the discretion to extend this moratorium if determined necessary prior to the expiration of the period established herein.

3. Subject to paragraph 4 below, the Tiverton Building Official is hereby instructed not to issue building permits for any new development, redevelopment, modernization or other activities within the above-defined portion of the contaminated area or within any discovered contaminated area within the period of this moratorium except for routine repairs, maintenance, or emergency repairs, or for subdivision or land developments which would not require soil excavation operations of any kind or size. The issuance of building permits for any building activity, which clearly does not require soil excavation or disturbance are not prohibited during this period. The Tiverton Town Council will not accept or entertain any applications for zoning text or map amendments during the period of this moratorium except as provided below in paragraph 4.

4. Relief from this moratorium may be granted by the Town Council by

application to the Town Council to be considered at a regularly scheduled Town Council Meeting upon clear and convincing proof that the applicant meets the following criteria:

a) The Town's engineering consultant responsible for assisting the Town with all engineering matters relating to the specified area shall have reviewed all relevant information pertinent to such application including, without limitation, the sufficiency of the testing as contained within a site investigation work plan consistent with Rhode Island Department of Environmental Management remediation regulations and shall recommend approval of same. Test results provided by the engineering consultant(s) representing potentially responsible parties named by the Department of Environmental Management shall not be accepted as conclusive evidence that relief is justified.

b) The Town's building official shall have reviewed plans for any disturbance involving construction and shall recommend approval of each relief.

c) The applicant shall have provided the Town with evidence acceptable to the Town Administrator that adequate insurance and/or bonding is in place to protect any injured party in the event of a release of contaminants, and shall provide a written commitment holding the Town harmless from any such injury as may arise.

d) The applicant shall have provided documentation that all permits required for any proposed activity on the property shall have been obtained, including, as applicable, permits from the Department of Environmental Management.

e) Each applicant shall certify that he or she has read, understands and will comply with the requirements contained in the Town's Safety, Health and Emergency Response Plan.

5. This resolution ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED BY THE TOWN COUNCIL this 9th day of February 2004.

FOR THE TOWN COUNCIL:

ATTEST: Hannibal F. Costa, Town Clerk

March 8, 2004 - Amended by the Town Council as follows:

“Moratorium extended for six (6) months by Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of March 2004:

ATTEST:

Hannibal F. Costa, Town Clerk

April 12, 2004 - Amended by the Town Council as follows:

“The moratorium area is defined as that area bounded on the North by State Avenue, on the West by the Sakonnet River, on the South by ~~Lepes Road~~ the so-called Simpson Wall and on the East by Church Street (extended to State Avenue and the so-called Simpson Wall.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of April 2004:

ATTEST:

Hannibal F. Costa, Town Clerk

August 23, 2004 - Amended by the Town Council as follows:

“Moratorium extended for three (3) months by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of August 2004:

ATTEST:

Hannibal F. Costa, Town Clerk

November 22, 2004 - Amended by the Town Council as follows:

“Moratorium extended for six (6) months by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 22nd day of November 2004:

ATTEST:

Nancy L. Mello, Town Clerk

May 23, 2005 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2005 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of May 2005:

ATTEST:

Nancy L. Mello, Town Clerk

December 12, 2005 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2006 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of December 2005:

ATTEST:

Nancy L. Mello, Town Clerk

June 26, 2006 - Amended by the Town Council as follows:

1. “Moratorium extended to December 31, 2006 by the Town Council.”
2. **SHERP** Policy as approved by the RI DEM, and the **HASP** Policy as prepared by the Town’s consulting engineer, BETA Engineering, are hereby incorporated by reference into this Resolution, and the procedures and standards set forth therein shall apply within the above-defined contaminated area.
3. The director of Public Works shall notify by certified mail all public utilities operating within the moratorium area of each extension of this resolution and any amendments to the resolution.

PASSED AND ADOPTED BY THE TOWN COUNCIL this 26th day of June 2006:

ATTEST:

Nancy L. Mello, Town Clerk

December 11, 2006 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2007 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 11th day of December 2006:

ATTEST:

Nancy L. Mello, Town Clerk

June 25, 2007 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2007 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 25th day of June 2007:

ATTEST:

Nancy L. Mello, Town Clerk

December 17, 2007 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2008 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 17th day of December 2007:

ATTEST:

Nancy L. Mello, Town Clerk

June 23, 2008 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2008 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of June 2008:

ATTEST:

Nancy L. Mello, Town Clerk

December 8, 2008 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2009 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of December 2008:

ATTEST:

Nancy L. Mello, Town Clerk

June 9, 2009 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2009 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of June 2009:

ATTEST:

Nancy L. Mello, Town Clerk

December 14, 2009 - Amended by the Town Council as follows:

1. “Moratorium extended to June 30, 2010 by the Town Council.”
2. Pursuant to the terms of the Settlement of Corvello vs. New England Gas Company, upon the issuance by RIDEM of either a Letter of Compliance (LOC) or No Further Action Letter (NOA) and any accompanying Environmental Land Use Restriction (ELUR), or a Non Jurisdiction Letter (NJL), and the recording of same in the Tiverton Land Evidence Records, and with the advice and consultation of the Town Solicitor and the Town’s environmental engineering consultants; the Town Clerk is hereby authorized to record a release of this moratorium for said specific property.

PASSED AND ADOPTED BY THE TOWN COUNCIL this 14th day of December, 2009:

ATTEST:

Nancy L. Mello, Town Clerk

June 28, 2010 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2010 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 28th day of June 2010:

ATTEST:

Nancy L. Mello, Town Clerk

December 13, 2010 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2011 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 13th day of December 2010:

ATTEST:

Nancy L. Mello, Town Clerk

June 27, 2011 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2011 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 27th day of June 2011:

ATTEST:

Nancy L. Mello, Town Clerk

December 12, 2011 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2012 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of December 2011:

ATTEST:

Nancy L. Mello, Town Clerk

June 25, 2012 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2012 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 25th day of June 2012:

ATTEST:

Nancy L. Mello, Town Clerk

December 10, 2012 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2013 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 10th day of December 2012:

ATTEST:

Nancy L. Mello, Town Clerk

June 10, 2013 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2013 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 10th day of June 2013:

ATTEST:

Nancy L. Mello, Town Clerk

December 9, 2013 - Amended by the Town Council as follows:

“Moratorium extended to June 30, 2014 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 9th day of December 2013:

ATTEST:

Nancy L. Mello, Town Clerk

June 23, 2014 - Amended by the Town Council as follows:

“Moratorium extended to December 31, 2014 by the Town Council.”

PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of June 2014:

ATTEST:

Nancy L. Mello, Town Clerk