

**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 28th day of July 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 - Absent
	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 President Roderick read the items on the Consent Agenda. Councilor Chabot requested removal of item A1a, Approval of Amended Minutes Regular Council Meeting May 27, 2014 and President Roderick requested removal of item A1b, Approval of Minutes Regular Council Meeting June 23, 2014 Councilor Roderick Abstains – Absent.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to approve the rest of the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A2-Receipt of Minutes from the Following Boards, Commissions:

- | | |
|------------------------------------|--|
| a. Art Council | d. Recreation & Beach Commission |
| b. Economic Development Commission | e. Ad-Hoc Technical Review Committee Meeting Notes (3) |
| c. Planning Board (2) | |

A-3-Correspondence – Receive and File:

- a. Kate Michaud, Administrative Officer Regarding Rezoning Tiverton Four Corners

A-4-Tax Assessor – Approval of Abatements

A-5-Town Administrator –Final Approval of Recycling Services Agreement with Rhode Island Resource Recovery Corporation (RIRRC)

BUSINESS BROUGHT BEFORE THE COUNCIL

A-1Approval of Minutes of Previous Meetings:

a. Approval of Amended Minutes Regular Council Meeting May 27, 2014

Councilor Chabot suggested two minor corrections, on page 1 the Town Administrator’s name needs to be changed to Matthew Wojcik and on page 9 of 12, the adopted Resolution regarding RIDEM Draft 2015 was not attached at the end of the minutes.

Councilor Chabot made a motion, seconded by Councilor deMedeiros to approve as Amended A1a, Approval of Amended Minutes Regular Council Meeting May 27, 2014. Motion passed unanimously.

b. Approval of Minutes Regular Council Meeting June 23, 2014 Councilor Roderick Abstains - Absent
President Roderick will abstain, was not at that meeting.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Minutes Regular Council Meeting June 23, 2014. Motion passed on a vote of 5-0-1, Councilor Roderick abstains- absent.

OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS:

Jim O'Dell, Warren Avenue, gave kudos and congratulations to a very nice Tiverton Celebrate, congratulations to the organizers. Mr. O'Dell wanted to discuss the Planner; President Roderick pointed out it was an agenda item. Mr. O'Dell had new information from RI General Laws. President Roderick suggested putting on the next agenda. Mr. O'Dell stated will file a Charter complaint and with the State in 72 hours. Councilor deMedeiros wanted to hear why it was illegal. Mr. O'Dell stated this violated the Home Rule Charter Sections 407,703 and 1205, Article 13, Section 8 of the State Constitution., 45-9, 45-9-11 and 45-9-19, expendable in excess of appropriation prohibited. Councilor deMedeiros confirmed with the Solicitor the Council by resolution could transfer funds. Solicitor Teitz reviewed 45-9, section all about cities and towns with financial overseers when a board of commissioners is established by a review of the State, not the Town elected Budget Committee (BC). Councilor deMedeiros noted, a budget line item was in place, Council transfers funds all the time, did not see why this would be a violation.

Linda Larsen was not yet in attendance to discuss Tiverton Celebrate.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

ADVERTISED PUBLIC HEARINGS

1. Proposed Ordinance Licensing of Shooting Gallery

a.Copy of July 21st Motion of Intent by Town Council to Continue the Public Hearing to Tuesday, August 12, 2014 at the Tiverton High School Auditorium Due to Expected Public Interest

b.Documentation of Randy Lebeau

c.Documentation of Tiverton Rod and Gun Club Including Letter From Attorney Regan

President Roderick explained the Council had discussed at the July 21 meeting the intent by the Town Council to continue the Public Hearing to Tuesday, August 12, 2014 at the Tiverton High School at 7:00 p.m. due to expected public interest. Have documentation from Randy Lebeau and documentation from Tiverton Rod and Gun Club including a Letter from Attorney Regan. Will open the hearing; entertain a motion to continue to August 12, 2014 at 7:00 pm at Tiverton High School. Town Clerk Mello received correspondence from the Rod & Gun Club, have been getting a lot of emails and letters, names documented in a spreadsheet.

Councilor Pelletier made a motion, seconded by Councilor Chabot to continue the Public Hearing to Tuesday, August 12, 2014 at 7:00 pm at Tiverton High School. Randy Lebeau, 22 Last Street, received a call from his attorney saying Solicitor Teitz and Attorney Regan had gotten together, Mr. Lebeau's attorney was not invited, wanted on the record. Solicitor Teitz did meet with Attorney Regan and officials of the Rod & Gun Club to discuss concerns. Happy to meet with Mr. Lebeau's attorney but don't know who that person is, should contact the Solicitor. Will not invite the Rod & Gun Club to that meeting. Solicitor Teitz had a very good discussion, expects to be presenting some suggested amendments to the proposed ordinance prior to the public hearing on the draft ordinance. Motion passed unanimously.

2. Proposed Ordinance Amendment to Chapter 15 – Drinking Water Reservoirs

President Roderick opened the public hearing on the proposed ordinance amendment to Chapter 15-Drinking Water Reservoirs. Solicitor Teitz explained the proposed ordinance was a follow up to the many efforts the Town has taken to protect the drinking water reservoirs in Town. Found out last year Stafford Pond was duly approved by the FAA as a seaplane landing area. Recently found out the FAA has removed that designation, have presented this ordinance to make it illegal to take off or land a seaplane. President Roderick opened to comments from the public. Trish Hilton, Conservation Commission, has been working on this issue past 2 years regarding Stafford Pond. Questioned if the City of Newport or the Newport Water Division has been notified. Newport is undertaking an \$80million dollar campaign for good drinking water including Nonquit Pond which is private property in its entirety, no public access. Very concerned about having Nonquit Pond included, would like the

City of Newport to be notified. The other concern is the language for emergencies. The State of RI and the FAA strongly regulate where you can land a plane. The regulations on emergency landing covered by the FAA and RI Airport Corporation. How do we determine what an emergency is? In the past 2 weeks heard of close calls. Councilor Lambert suggested notifying Fall River as well. Suggest removing the language “where no other reasonable alternative exists”.

Solicitor Teitz did not see the need to notify Newport, in order to be effective as an ordinance needs to be across the board. If it is not an emergency will be prosecuting. In Section 15-12 put a period after emergency, remove “where no other reasonable alternative exists”. Will notify if this ordinance passes the RI Pilots Association as a courtesy. Ms. Hilton strongly urged the Council to notify Newport and Fall River before passing the ordinance. Not sure if the emergency language is needed at all. If you land a plane in an area that is not approved by the State or FAA, have much bigger problem. President Roderick called for any other comment from the public 3 times, seeing none closed the public portion.

Solicitor Teitz requested if anyone sees anything get a tail number and call the dispatcher will notify the FAA. Ms. Hilton added if not getting the tail number a photo or description would be good. Councilor Chabot questioned if airplanes are regulated by the FAA and RI Airport Corporation what would this ordinance do that is not done already. This ordinance has no penalties. Solicitor Teitz explained any violation is a violation of the code of ordinances, fines up to \$500. Councilor Chabot considered this overkill. Solicitor Teitz added, this was to send a message to DEM, not letting seaplanes land, maybe take action on fishing tournaments. This will allow prosecution by the Town in District Court, part of the big package to let people know the Town is doing everything to protect the drinking water. Councilor Chabot agreed with Ms. Hilton, should remove the wording with emergency and just say prohibits.

Councilor Chabot made a motion, seconded by Councilor Arruda to remove from Section 15-12, “except in case of emergency, where no other reasonable alternative exists” and remove everything to do with Section 15-11B. Motion passed unanimously.

Councilor Pelletier motioned, seconded by Councilor deMedeiros to approve the Ordinance as Amended for Chapter 15-Drinking Water Reservoirs and also request send notice to the City of Newport and the City of Fall River. Motion passed unanimously.

President Roderick closed the Public Hearings.

Adopted Ordinance Amendment attached at end of minutes.

OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS:

Linda Larsen apologized for being late, talked about Celebrate Tiverton. Thanked the residents in attendance, was well attended. Thanked the Council, Clerk, Recreation Commission, Tiverton 4 Corners, Barbara Pelletier for the decorations, Police Department and Chief Blakey, Sandywoods, Russ Smith, Tiv. High School athletics Bob Murray. A problem getting the pallets delivered for the bonfire, several people stepped up, extend gratitude to Administrator Wojcik, Steve Berlucchi and the DPW, John Manchester, John Hughes, Bill Sanford, Sally Black and Captain Reimels, Acting Chief of the Fire Department who was concerned about safety. Planning for next year on July 24-26, 2015.

TOWN COUNCIL SITTING AS BOARD OF LICENSING

Cart Wheels, LLC, 2490 Main Road – Request Approval of Victualling Licenses - Subject to Meeting All Legal Requirements

Tom Traman planned to open a little restaurant, variety of foods, pre made dinners freshly made every day. It is adjacent to Helgers’ Ice Cream on the north side. President Roderick called for comment from the public 3 times.

Councilor Lambert made a motion, seconded by Councilor Chabot to approve a Victualling License for Cart Wheels, LLC, 2490 Main Road subject to meeting all legal requirements. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Town Administrator–Requests Approval of Appointment Town Planner Recommendation-Kate Michaud

Town Administrator Wojcik gave a brief synopsis on the recommendation. The Planner appointment has been debated at great length. Council was very clear in the instructions to hire this position, to have a set of skills. Proposed an ordinance to add a Planning Department. Still have the mechanism of the contract and the process for selecting this person. Has 7 candidates, all qualified, 4 strong candidates emerged, 2 stood out. Established a written portion of the interview process to legitimize the position and by creating a photo montage that captured the essence of the Town. Along with a designee of the Planning Board (PB), Stu Hardy and Scott Humphrey, EDC Chair, conducted the final interview process. Consistently Ms. Michaud outperformed the other candidates. Important to consider the dynamics of funding the position, will discuss in Executive Session amendments to the Collective Bargaining Agreement and how to make the budget work. Do believe the Town needs a Planner, can get under the budget to get a higher level of service for the most affordable price.

Solicitor Teitz explained the Council can approve the appointment, if rejecting tell the T/A the reason what is objectionable in the contract, can't change but can reject. T/A Wojcik explained Ms. Michaud is an existing employee, salary already in place, will save some money on longevity, need to rework collective bargaining. Councilor Arruda said it looked like small town politics, nothing against Ms. Michaud, but there is a dark cloud with this position; rather see her be more successful in another community. President Roderick disagreed with what Councilor Arruda was saying, noted Ms. Michaud did an exemplary job, agrees with T/A. Councilor deMedeiros agreed, Ms. Michaud did an unbelievable job, above and beyond what was expected. Councilor Chabot commented briefly, T/A Wojcik was in a tough position, it was the will of some of the Council, not all of the Council. The Budget Committee voted for a part time position or consultant planner for \$20K presented to the taxpayers voted with this in mind. AICP certification should be required; the previous Planner did not complete the process. Charter section 407(6), Powers of the Town Council –“Create, change and abolish Town offices, departments and committees not established by this Charter or by the Constitution and laws of the State. Any office, department, or committee so established shall conform to the provisions of this Charter”. Recall when establishing a new committee usually have a resolution, questioned the Solicitor if anything was required like a new resolution. Councilor deMedeiros noted this was not a new position; someone has been acting in the capacity of Town Planner, was always a budget line item.

Solicitor Teitz did not think so, some boards and commissions do have resolutions, did support the Administrator's proposed ordinance, is not a legal requirement. Councilor Lambert made clear, was always in support of this position, Council in a better position to know. Great advantage of having a planner who lives in this Town, knows the issues of the Town. President Roderick restated his support of the T/A, wholeheartedly support Ms. Michaud. Councilor Arruda suggested further discussion in adding the Planning Department to the Charter.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to approve the Appointment of Kate Michaud as Town Planner per the recommendation of the Town Administrator subject to the procedures typically used for Department Heads to be followed by Mr. Wojcik and authorize Mr. Wojcik to negotiate an appropriate employment contract that will have to be approved by the Council. Motion passed on a vote of 4-2, Councilors Arruda and Chabot opposed.

President Roderick thanked Administrator Wojcik and Ms. Michaud.

UNFINISHED BUSINESS:

FINANCIAL BUSINESS:

NEW BUSINESS:

Councilor Chabot – Comprehensive Community Plan – CPAC Update

Councilor Chabot updated on the Community Plan update process. A timeline was discussed, documented by Ms. Michaud as follows: July 24th-First pass of updated elements to each CPAC group for drafting. August 29th-

Deadline for submission of completed draft elements for distribution to full CPAC. September 4th- CPAC meeting to report on and discuss the draft elements and plan for workshop. September 18th – Workshop Session with Planning Board & Town Council to review the complied draft documents. October 20th- Advertised Public Hearing with Town Council & Planning Board for approval. It is a very aggressive schedule, to get completed and approved by this Council before the next General Election. Town Clerk Mello questioned if the Council was in agreement with the Sept. 18 and October 20 dates. There will be Solicitor presence for the last 2 dates. Need full documentation 21 days prior to the public hearing. President Roderick thanked Councilor Chabot.

Town Administrator - Residential Parking - Distribution of Ordinance/Fine and Fee Changes Needed and Scheduling for Possible Public Hearing

T/A Administrator Wojcik explained Chief Blakey will have additional comments. This is from the area of Town Hall and Grinnell's Beach, has been signed for residential parking only for the busy season. Some time since this has been actively enforced, trying to get a handle on Grinnell's, are monitoring. Next year anticipate parking problems with Stone Bridge construction. Chief Blakey wanted to move early on this issue, establish fees for violations, in the past ordinance was \$20, suggest residential stickers or similar permanently affixed. Signs are there, legible, faded. Ordinance allows for towing of cars. Will work with the Solicitor and T/A to establish the stickers to propose to Council. Solicitor Teitz, just looking for Council general direction, get some proposed amendments. Chief Blakey noted near the beach it's a \$25 fine, residential \$20. Councilor Chabot questioned if residents would go to the Police Station to get a permit or a sticker. Chief Blakey looked for direction on the stickers. Councilor Chabot agreed with having a sticker. Councilor Pelletier suggested considering summer residents parking. President Roderick requested the T/A work with Chief Blakey.

Councilor Pelletier motioned, seconded by Councilor deMedeiros to authorize the Clerk to schedule a public hearing. Motion passed unanimously.

Town Administrator – Authorization for Town Administrator to Prepare Documents and Seek Financing of Septic System Repairs Through the Community Septic System Loan Program (CSSLP)

Leroy Kendricks, Wastewater District and John Lincourt explained the program which provides low interest loans for septic system repairs, a cesspool may be out of compliance. Have a number of cases where people applied, expect more with the new districts. This agreement will be with Clean Water Finance Agency (CWFA) authorizing \$300,000 for loans. Can borrow up to \$25K at 2% for 10 years, the CWFA administers, good program for people living in Tiverton. Town Clerk Mello requested a report on the number of people getting loans. Mr. Kendricks will get a report to the Clerk. Solicitor Teitz noted, this program has been done several times before.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to authorize the Town Administrator to prepare and submit the documents and seek financing through the Community Septic System Loan Program as seen more fully described in attachment G3 to the agenda. Motion passed unanimously.

BIDS AND REQUESTS FOR PROPOSALS:

Town Administrator/Chief Blakey – Request Award of Bid for Two AWD Police Package Vehicles to Imperial Dodge/Imperial Municipal Partners Inc, 154 East Main Street, Milford, MA for a Total Price of \$52,540 Including Extended Warranty

T/ A Wojcik complimented Chief Blake on differentiating in the bid process the extended warranties. Chief Blakey noted \$1,110 would be saved by going with this company the low bidder Imperial Dodge.

Councilor Lambert motioned, seconded by Councilor Chabot to authorize the Town Administrator to accept a Bid for Two Police Package Vehicles as more fully described in agenda item H1 for purchase of vehicles from Imperial Dodge/Imperial Municipal Partners Inc., 154 East Main Street, Milford, MA for a total price of \$52,540 Including Extended Warranty. Motion passed unanimously.

Town Administrator/DPW Director Stephen Berlucchi – Request Award of Bid for New Mack Truck with Plow and Sander to Ballard Mack Sales & Service for \$198,500

DPW Director Berlucchi explained the dire need for a second truck, have hills in North Tiverton also use a 14 year old 10 wheeler. This was an open bid, only one bidder, recommends purchase, is an emergency. President Roderick noted the 5 year payment plan in the budget for \$42K per year. Director Berlucchi explained it will take 9-10 months to get the truck, is custom built, subcontractor puts in all the equipment.

Councilor Pelletier motioned, seconded by Councilor deMedeiros to approve the Award of Bid for a New Mack Truck with Plow and Sander to Ballard Mack Sales & Service for \$198,500. Motion passed unanimously.

Town Administrator/DPW Director – Request Authorization to Advertise Tub Grinding Services

DPW Director Berlucchi explained the Tub Grinder is used for yard waste and brush dropped off at the landfill, have to get rid of the piles every year. DEM tells the Town when to get rid of the piles. The tub grinder is 10 feet wide, takes huge stumps up to 4 feet in diameter. Costs \$330/hour now with the Pay As You Throw program has increase the yard waste side. It is in the landfill budget, nothing specifically for it.

Councilor Pelletier motioned, seconded by Councilor Arruda to authorize DPW Director Berlucchi to Advertise for Bids on Tub Grinding Services. Motion passed unanimously.

TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Thanked the entire committee that put on Celebrate Tiverton, Tiverton employees Steve Berlucchi, DPW, the Town maintenance staff, Manny and Larry for getting the beach ready.
2. Tiverton Little League hosted a tournament, cleaned up every night, thank them, well run for the 16 participating communities.
3. In the budget there was \$12,500 for a Maintenance Truck, thank Chief Blakey and Director Berlucchi for looking around. Chief Blakey found a utility vehicle for \$4K, tool box ladder with a truck hitch set up for a generator. Is an older vehicle, follow State purchasing regulations for funding from a sole source unique item. Will see maintenance workers in a white pickup truck.
4. Day to day workload is increasing, Paychex conducting audit of personnel files beginning this Thursday, very intense for all department heads, T/A Assistant.

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor deMedeiros–Process for Town Administrator’s Six Month Performance Evaluation

Councilor deMedeiros requested the Town Clerk distribute the 6 month performance evaluation form for the T/A, used in the past. The 6 months falls near August 22, suggest getting to the Clerk by 8/12 to be compiled for 8/25 or 9/8. President Roderick requested the date be certain, consensus have done by 8/12, Clerk will send electronically. Councilor deMedeiros added the T/A has the right to be in open or closed session.

1. Councilor Chabot noted the Arts Council was looking for 2 more volunteers; they also help put up and take down the arts displays. Personnel Board also is looking to fill a vacancy.
2. Councilor Pelletier requested a list of vacancies for the next meeting.
3. President Roderick reiterated thanking Celebrate Tiverton; well put together, nice public reaction. Councilor Pelletier echoed those sentiments, at the parade everyone had a good time.

TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Sakonnet Bridge Toll Litigation C.A. No. 13-267 L

a. Defendants’ Objection With Memorandum (Document #74)

b. Defendants’ Emergency Motion With Attachments and Notice of Hearing (Document #75)

c. Defendants’ Motion to Dismiss for Mootness With Attachments (Document #76)

d. Tiverton/Bristol Motion for Hearing With Memorandum (Document #79)

Solicitor Teitz updated on the Sakonnet River Bridge Tolls, were successful in stopping the tolls, thank the local Legislators for all their efforts. Not a permanent source of funding could change next year. Position of DOT and FHA is they can still legally institute tolls. Portsmouth has taken an aggressive position, basically disgorgement, DOT should give back the tolls collected and for certain discovery and assurances they will not put tolls in the future. Moved for a protective order, were in Federal Court on Friday before Judge Sullivan who ruled in favor of the defendants. The defendants have filed a motion to Dismiss for Mootness, K1c, preparing an answer. Bristol &

Tiverton had filed a motion to intervene, has never been heard on the original motion, like to have a seat at the table, keeping fees light. Probably September before anything happens.

2. Town of Tiverton v. James & Melissa Pelletier (Tiger Tree) – Status Update

Solicitor Teitz updated was supposed to be scheduled for a hearing last Thursday on the fine sentencing. Request by the defendants, one was hospitalized. Mrs. Pelletier not available. The Town objected, she had not participated in any of the trial. A continuance was granted, now scheduled for August 14; don't know if it will be 9:30 am or 2pm. Today in the mail arrived a Supplemental memorandum for the defendant.

Solicitor Teitz introduced Jeremy Rix, 3rd year law student at RWU, interning at the office.

TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello, due to the unanimous appreciation for Celebrate Tiverton would like to send on the Council behalf an expression of appreciation. President Roderick agreed would be nice.

CLOSED EXECUTIVE SESSION:

1. Town Administrator-42-46-5(a) (2)–Potential Litigation and 42-46-5(a) (4)-Investigation–Fire Dept

2. Town Administrator - Collective Bargaining - 42-46-5(a) (2) – AFSCME

3. Solicitor - Litigation – 42-46-5(a) (2) - Site Ready/LAL Construction, Inc. et al

4. Solicitor - Potential Litigation – 42-46-5-(a) (2) – Pension Reform

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

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2)–Potential Litigation and 42-46-5(a) (4)-Investigation–Fire Department. 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) – Collective Bargaining –AFSCME. 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 - Site Ready/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– Pension Reform. 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 into Executive Session at approximately 8:55 p.m.

The Council returned to Open Session at approximately 10:10 p.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 Arruda, motion passed unanimously.

ADJOURNMENT:

Councilor Lambert motioned to adjourn, seconded by Councilor Chabot, motion passed unanimously.

Council adjourned at approximately 10:15 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

ORDINANCE NO. 2014-

**AN ORDINANCE IN AMENDMENT TO
CHAPTER 15 – DRINKING WATER RESERVOIRS
OF THE ORDINANCES OF THE TOWN OF TIVERTON**

WHEREAS, Stafford Pond is a Class AA water supply that is the sole source of drinking water for 10,000 people in the Town of Tiverton, via the Stone Bridge Fire District and the North Tiverton Fire District; and

WHEREAS, R.I.G.L. 46-14-1 forbids any activity that will “pollute or corrupt or impair the purity or quality of a public drinking water supply or which renders the water supply injurious to health or poses a potential significant risk to public health.”

NOW, THEREFORE, the Town Council of the Town of Tiverton hereby finds that there exists a potential significant risk to public health from increased activities on Stafford Pond and that prompt action is needed to mitigate such risk in the short term, and that a further concerted effort is needed to reduce risk and improve drinking water quality in the future;

IT IS HEREBY ORDAINED by the Town Council of Tiverton, Rhode Island, that Chapter 15 – Drinking Water Supply Reservoirs of the Ordinances of the Town of Tiverton be amended to add the following new provision:

ARTICLE III – Seaplane Takeoffs and Landings Prohibited

Sec. 15-11. Seaplanes Defined.

For purposes of this section, a “seaplane” is defined as an airplane equipped to take off from and land on water.

Sec. 15-12. Seaplane Takeoffs and Landings Prohibited

No operator of a seaplane shall takeoff from or land in any drinking water supply reservoir located within the Town, including without limitation Stafford Pond and Nonquit Pond.

Sec. 15-13. Enforcement and Penalties

The Police Department of the Town of Tiverton, and/or other appropriate official, is empowered to enforce the provisions of this Article. Any violation of this Article shall be a violation of this Code of Ordinances.

This Ordinance shall take effect upon public hearing and passage.