

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 25th day of August 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 - Absent
	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.

President Roderick read the items on the Consent Agenda, no requests for removal of any items.

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

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings: No Council Minutes

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

a. Board of Canvassers (5) b. Library Board of Trustees c. Personnel Board (19)

A-3-Correspondence – Receive and File

A-4-Tax Assessor – Approval of Abatements

A-5-Treasurer Denise Saurette – Distribution of Quarterly Report Submitted to Division of Municipal Finance and Attorney General

A-6-Town Administrator – Distribution of Report on Fire Department Overtime

A-7-Treasurer Denise Saurette - Distribution of July Revenue and Budget Reports

BUSINESS BROUGHT BEFORE THE COUNCIL

OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

Joseph Bossom – Industrial Grade Profit Making, Noisy Windmill Placed in Residential Area

Mr. Bossom could not attend; no discussion was taken on this item. Randy Lebeau announced he was going by Section 1212 of the Charter to get 500 signatures to repeal the ordinance that was passed on August 12th questioned the time frame. Town Clerk Nancy Mello explained to Mr. Lebeau the only time frame was on the Board of Canvassers (BOC) after the signatures have been certified. Town Clerk Mello also explained to Mr. Lebeau the ordinance passed has to be on the petition. Mr. Lebeau commented it could not be done until after the November election. Town Clerk Mello noted the BOC has 60 days to put on a referendum. Mr. Lebeau was aware 15% of the voters was needed. Councilor Gerlach requested clarification from the Clerk on the procedure. Town Clerk Mello explained the petition has to be signed by a registered voter, has to contain the full text of the ordinance, need lines for signatures. Need to get 15% of the registered voters, currently approximately

12,260, then need to carry the majority at a special referendum. Mr. Lebeau has also applied for the license. President Roderick noted the Council could not speak on this item, is not on the agenda. President Roderick reminded Mr. Belli the Council could not comment. Mr. Belli was disturbed about an article in the Newport Daily News about a clerical error costing the Town \$1.7 million dollars, was related to litigation.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

TFD Chief Robert Lloyd – Presentation and Recognition For Work Done to Refurbish a 1995 Central States Fire Apparatus to be Used as Reserve Apparatus by Members of the Fire Department, DPW Employee Paul Rousseau and Town Resident Raymond Bento

Fire Chief Robert Lloyd requested on behalf of the Council a letter of recognition be sent to the individuals involved in refurbishing the fire apparatus. Had to take this truck out of service a couple of years ago. Just passed a road and pump inspection. Several individuals worked on their own time on the truck. Several businesses donated parts. Saved the Town \$300-400K because of the hard work. Brought the truck tonight so people could look at it, looks like a new truck. Chief Lloyd wished to recognize Lt. Joseph Plocica, Lt. Robert Gagnon, Capt. Bruce Reimels, Firefighter (FF) Dan Murphy, Lt. Craig Committo, FF's Pete Manchester, Anthony Moretti, Thomas Mello, Trevor Sheehan, Brad Lynch, Jonathan Wicks, Steve Kelly and FF Barrett. Also wanted to recognize from the DPW Paul Rousseau and resident Ray Bento for their work as well. President Roderick expressed great appreciation, requested the Town Administrator send a letter from the Council thanking and commending them for the hard work.

Barbara R. Donnelly, Chair Library Board of Trustees 2013 Annual Report

Barbara Donnelly, Chair Library Board of Trustees and Board members Maureen Morrow and Greg Jones presented the 2013 Annual Report. Mrs. Donnelly reported on a very successful year. New building is on schedule, should be done by next spring. Planning a fundraiser in the spring before the grand opening. Ms. Morrow suggested visiting the library website; a camera is at the building site for security purposes. President Roderick congratulated on the progress. Mr. Jones commented on the excitement, noted Lee Hoyer was unable to attend. Ms. Morrow noted the brick fundraising; \$58K was beyond expectations. President Roderick thanked all.

Charles Lawrence, Harbor Commission – Water Quality Monitoring of Tiverton's Tidal Waters

Bruce Cox, Chair of the Harbor Commission (HC) introduced Charles "Chip" Lawrence, a Professor in Applied Mathematics and Bacteriological Data. Professor Lawrence spearheaded the water quality testing, provided a slide show presentation. Acknowledged Mr. Cox, Dave Stewart (HC), those who collected water samples and the URI Watershed Program. Precipitated by the Nanaquaket aquaculture discussion and questions about Seapowet Marsh. Samples collected since 2012, Open Space Commission is monitoring Barton Brook. Focus is on bacterial contamination from feces, 2 forms fecal coliform (shell fishing) and enterococci (swimming). Samples for shell fishing collected from Evelyn's dock, Almy Creek and Seapowet closed for shell fishing. Explored mitigation, focused on Seapowet, small watershed with fewer possible sources. USDA sponsors a program run by Eastern RI Conservation District (RI-ECD) because it involves a farm. RI-ECD helped, approached the landowner, offered to assist further. Barrier planting could filter material; move the animals to a different pasture. Recommend more monitoring, DEM posts the results. The HC is going to monitor, identify sources to mitigate. Questioned if the Council agreed the HC should take the next steps. Chairman Cox explained URI was offering assistance, request a motion asking the T/A to send a letter to them. Solicitor Teitz explained that would need to be on the next agenda, not on this agenda as a specific action item. Requested Mr. Cox draft a resolution for the next agenda.

Conservation Commission Update of Public Hearings Held on Stafford Pond Recreation

Tom Ramotowski, Chair of the Conservation Commission gave the Council a handout of 2 newspaper articles regarding water quality. Update required by Chapter 20 in the Town Code. Made an effort on what people can do for recreation on Stafford pond, had a meeting in November 2013 was not well attended. People opposed to doing anything to restrict traditional use of the pond for boats and swimming. They have updated septic systems, regulations brought up, do not own the water. Discussed at length at the last Conservation meeting. Could not achieve a consensus from the residents to agree on restrictions. Looking at working on language for the Watershed Overlay District to protect the water source. Have to go back to DEM. Councilor Chabot noted one of

the comments was originally that water was for fire hydrants, not a drinking water supply. Questioned when this happened, were residents aware, would like more information. Need to know the impact on property rights, was a legislative commission in the 1990's. Like more information. Trish Hilton, Conservation member tried to find a history. Need State enabling legislation to put additional regulations on drinking water supplies, will try to find out more history. Councilor Gerlach thanked the members for trying to continue pushing this issue, huge amount of effort, may have to take next steps.

Proclamation - Constitution Week September 17 to September 23, 2014

President Roderick read the Proclamation for Constitution Week September 17 to September 23, 2014.

TOWN OF TIVERTON, RHODE ISLAND

TOWN COUNCIL

PROCLAMATION

WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

WHEREAS, It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve and defend it against all encroachment; and

WHEREAS, The two hundred and twenty-seventh anniversary of the adoption of the Constitution provides an historic opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords; and

WHEREAS, The President and Congress of the United States issues a proclamation designating the week of September 17-23 as "Constitution Week" to commemorate the signing of the Constitution on September 17, 1787; and

WHEREAS, The citizens of the Town of Tiverton, Rhode Island do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it; and

WHEREAS, The independence guaranteed to American Citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during Constitution Week,

THEREFORE, We, the Tiverton Town Council do hereby proclaim the week of September 17th through 23rd as
"CONSTITUTION WEEK"

in the Town of Tiverton and urge all of our citizens to reflect during that week on the many benefits of our Federal Constitution and American Citizenship,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Tiverton to be affixed this 25th day of August in the year of our Lord two thousand and fourteen.

BY ORDER OF THE TIVERTON TOWN COUNCIL **Edward A. Roderick, Council President**

ADVERTISED PUBLIC HEARINGS

Town Administrator - Public Hearing on Proposed Changes to Code of Ordinances Section 2-1 – Fees and Fines Resolution – Continued From July 14, 2014

T/A Wojcik asked to continue this for 2 weeks explained 3 items need more time for research, licensing (Clerk's office), zoning and recreation. Like to look at best practices, other towns, look at revenue, paid outs, what is subsidized or self-sustaining. Town Clerk Mello was in agreement, however the Quarry public hearing is in 2 weeks, suggest tabling the Fee Resolution. Can be readvertised for a date certain, just need to advertise 10 days before. Councilor Chabot noted the T/A recommended the removal of sewer fees; need to look at the ordinance more closely.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to Table the Proposed Changes to Code of Ordinances continued from July 14, 2014. Motion passed unanimously.

TOWN COUNCIL SITTING AS BOARD OF LICENSING;

Three Ducks Car Wash Corp, 400 Main Road – Request Approval of Licenses Subject to Meeting All Legal Requirements a.Petroleum License b.Tobacco Dealer's License c.Holiday License

Attorney Scott DeMello representing Three Ducks Car Wash Corp along with owner Michael Neves requested approval of a Petroleum, Tobacco Dealer's and Holiday License. Attorney DeMello in reviewing the file

explained the Notice of Violation was for the previous owner, had to do with record keeping. Mr. Neves applied to DEM for transfer of ownership. Gave the Clerk a copy of the underground tank permit recognizing Mr. Neves as owner/operator. The fine is still outstanding having to do with the record keeping. The previous owner had a settlement agreement to pay \$2,500. Trying to contact DEM for the same agreement. Expect to hear from DEM next week on resolving the Notice of Violation. President Roderick noted the licenses are subject to meeting all legal requirements. Solicitor Teitz added would also be subject to receiving the sign off from DEM. Until the Clerk is given a copy of the sign off the license can be granted but not issued. Attorney DeMello agreed, could not open without clearance from DEM. Fire Chief Robert Lloyd suggested contacting the Fire Marshall as soon as possible, will need updated inspection certificates. President Roderick requested a copy of the DEM sign off be sent to the Clerk.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the requests for a Petroleum License, Tobacco Dealer's License and Holiday License for Three Duck Car Wash Corp, 400 Main Road, subject to meeting all legal requirements. Motion passed unanimously.

Mark Faris, dba Second Season Antiques, 1048 Crandall Road – Request Approval of Antique License - Subject to Meeting All Legal Requirements

Mr. Faris was not in attendance. Councilor Pelletier questioned the actual address the license would be issued for. The Trade Name had a business address of 1060 Crandall Road, the agenda and the letter from the Zoning Official listed 1048 Crandall Road. The petition for the licenses had a home address of 1084 Crandall Road. Town Clerk Mello will come back to the Council if the address is not 1048 Crandall Road.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve a New Antique License for Mark Faris, d/b/a Second Season Antiques, 1048 Crandall Road subject to meeting all legal requirements. Motion passed unanimously.

Charles Coelho, CMC Family Limited Partnership, 1764 Crandall Road – Request Approval for Renewal of Quarry License

Solicitor Teitz explained a few of the quarries operating don't have active license. This quarry has not been operating but the owner has diligently maintained the license, was previously issued. Has been compliant with all licensing requirements to date, recommend issuance until November 30th. Will also be subject to Planning Board review. To our knowledge not being actively used. Councilor Pelletier requested seeing the survey referenced in Ms. Michaud's letter. Ms. Michaud, Planning Board Administrative Officer conducted a site visit, recommended 6K stockpile of loam. Town Clerk Mello received additional correspondence from Mr. Coelho, has complied. Mr. Coelho originally applied when the Council was talking about the quarry ordinance which was postponed at that time. Ms. Michaud commented on the survey, base is 78 feet; 104 foot slope is higher than the grade average 96-100 feet. Steep slope on the north side, large vegetation growing at the lowest point. Did observe the stockpile, needed confirmation on the size. The entire parcel is 55 acres, quarry just under 2 acres. Solicitor Teitz, for the record noted the aerial photo handed out showing the quarry and how far back it was. Town Clerk Mello explained Mr. Coelho would be able to have a license issued again in November, would not have to go back to the Planning Board as long as the bond was in place.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the Quarry License Renewal for CMC Family Limited Partnership, 1764 Crandall Road for Charles Coelho subject to meeting all legal requirements and subject to review by the Planning Board and a positive recommendation. Councilor Arruda questioned the R80 zoning district. Solicitor Teitz explained all the quarries are legal non-conforming use. Under RI law for a non-conforming use to be abandoned is not just for use but for lack of action or failure to act on the part of the owner. Councilor Chabot questioned if the effective date of the license would go back to 2013. Solicitor Teitz affirmed would go back to December 1, 2013. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Appointments–Art’s Council–2 Vacancies–Term to Expire 4/15/2016 Deborah Ann Gee, 15 Evans Avenue
Ms. Gee, originally from Vermont has practiced art all her life, taught for 42 years. Served on various committees over the years.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to appoint Deborah Ann Gee to the Art’s Council for a term to Expire 4/15/2016. Motion passed unanimously.

President Roderick noted there was still one more vacancy on the Arts Council.

UNFINISHED BUSINESS:

There were no items for Unfinished Business.

FINANCIAL BUSINESS:

There were no items for Financial Business.

G-NEW BUSINESS:

1. Campanelli Properties of Tiverton, Inc. – Request Acceptance by the Town of the Public Improvements in the Cottrell Farms Subdivision Cottrell Farm/Cottrell Road & Alexandra Circle

a.Planning Board Recommendation

Attorney Jerry Leary represented the applicant, Campanili Properties of Tiverton, Inc. explained on 7/15/14 the Planning Board voted to recommend acceptance of the public improvement. If the Council accepts will convene a Homeowner’s Association (HOA) meeting 9/3, go back to the PB for release of the existing surety, if possible substitute for a \$37,500 cash maintenance surety for 4 years. Kate Michaud, PB Administrative Officer noted the Council received the memo dated 8/5 which gave the background and history of the petition. Discussed at length on how to handle, made as a condition the replacement of the surety with a cash surety and the establishment of a functional HOA in accordance with recorded documents and plans. DPW Director Steve Berlucchi noted this spanned 10 years of construction, had a base surface for 7-8 years, shows some deterioration, requires 19 drainage structures, would cover the cost of 5 more catch basins and issues that may come up in the next 4 years. Ms. Michaud noted if the cash is not used it goes back to the developer, estimate 15% of the remaining basins would settle. Councilor Chabot questioned if Phase III would be built out. Mr. Leary explained no plans were in the works right now. This was just for the existing improvements.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to accept by the Town the Public Improvements in the Cottrell Farms Subdivision Cottrell Farm/Cottrell Road & Alexandra Circle subject to meeting all legal requirements and the Recommendation of the Planning Board conditions. Motion passed unanimously.

2.Shauna Beland, RI Office of Energy Resources and RI Commerce Corporation – Request Approval of Solarize Tiverton Program a.Adoption of Resolution Supporting Goals of Solarize Rhode Island

Sue AnderBois appeared in place of Ms. Beland, was accompanied by Danny Musher RI Office of Energy Resources and Matt Ray, SmartPower, Inc. to explain the Solarize Tiverton Program. Solarize is a rooftop solar group purchasing program. More people who buy, the lower the cost. A community driven program, looking to pilot in Little Compton, Tiverton and North Smithfield. . Working with National Grid, if an increase in solar power can reduce the need for expensive repairs to the grid, could provide benefits immediately. Not here to front any money, provide assistance to help solarize and provides funding. Aimed at reducing costs of residential & small business solar installations. It is a voluntary program. Estimate 30-35 rooftops for Tiverton, limited to small scale rooftops and businesses. Homeowners would get credit for load excess going back to the grid, would not get a reduced rate. National Grid offers a specific energy efficiency program as well. Mr. Ray explained SmartPower is a non-profit, will help manage the project for the Town. Will create a website, designs, final approvals come before the Council. Work hand in hand with the Town. T/A Wojcik called the most compelling reason was to reduce the usage, keep costs down. Councilor Gerlach read the proposed Resolution.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to Adopt the Resolution as read and to agree to participate as one of three pilot communities in the Solarize Program. Motion passed unanimously.

Adopted Resolution attached at end of minutes.

3. Town Administrator – Approval of Contract Amendment for Senior Center Director Janice Gomes Salary Increase for Third Year of Contract

T/A Wojcik reviews Department Head performances, is a personnel item, confidential, has been reviewed and signed by Ms. Gomes, Director of the Senior Center. In the opinion of the T/A, Ms. Gomes performs at an outstanding level with the limitations of the program, an aging building and within the budget. Takes a proactive approach. The recommended salary increase of approximately 1.5% is in the budget. President Roderick thanked Ms. Gomes for all the hard work. Ms. Gomes was in agreement with the contract, hoping for a newer building and a Senior Center bus, currently working on getting one, also would like a commercial kitchen.

Councilor deMedeiros made a motion, seconded by Councilor Chabot to take the Town Administrator's recommendation for a Salary increase for Director of the Senior Center, Janice Gomes going from \$43,931 to \$50,031 effective July 1, 2014. Motion passed unanimously.

TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello requested announcing, prior to Executive Session a Voter ID drive on 9/3 from 10-noon at the Town Hall. ID's will be required at the Primary and General Elections. The Secretary of State's Office agreed to come to the Town Hall. Have sent flyers to Sakonnet Manor, Senior Center and Countryview. Call the Clerk's office with questions. Town Clerk Mello also announced Barbara Pelletier will be conducting a Dog Day at Town Hall from 10-2 tomorrow August 26. Was previously approved, Placing Paws will be having contests, prizes. Photographer from the Sakonnet Times will be here at 12:30 pm. Mrs. Pelletier made yellow scarves for dogs that need more space.

CLOSED EXECUTIVE SESSION:

- 1. Town Administrator-42-46-5(a) (1)–Personnel Performance–Fire Chief Robert Lloyd–Notice Given**
- 2. Town Administrator - 42-46-5(a) (4) - Investigation–Fire Department**

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to enter into Closed Executive Session pursuant to Rhode Island General Law 42-46-5(a)(1)–Personnel Performance–Fire Chief Robert Lloyd–Notice Given. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to stay in Closed Executive Session pursuant to Rhode Island General Law 42-46-5(a)(4) - Investigation–Fire Department. Motion passed unanimously.

Solicitor Teitz requested the record reflect notice was given to Fire Chief Lloyd. He received written notice, did not exercise the right to have in open session.

Council entered Closed Executive at approximately 9:15 p.m.

Council returned to Open Session at approximately 10:45 p.m.

OPEN SESSION:

President Roderick announced no action was taken; a plan was put together between Town Administrator Matthew Wojcik and Chief Lloyd, a personnel item.

Councilor Pelletier made a motion, seconded by Councilor Chabot to seal the minutes of Closed Executive Session. Motion passed on a vote of 5-0-1, Councilor deMedeiros abstained, not at Council table.

G-NEW BUSINESS:

4. Town Administrator – Review of Policy for Use of CodeRed System

T/A Wojcik wanted to put in place the new system approved by voters at the FTR. An emergency notification system for cell and land lines at the discretion of EMA and public safety officials as situations develop. Wanted to make clear the circumstance, only used during emergencies. Councilor deMedeiros returned to the Council table at this time. Have 25,000 minutes, prepaid bank of expendable minutes, pay only for connecting calls. President Roderick noted this was a draft; Administrator Wojcik will come back with a final policy.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Request Authorization to Advertise for Competitive Bids For Field Restoration of Lower Soccer Field at Town Farm Complex

T/A Wojcik noted this came from the Recreation Commission, was approved for \$12K in the budget by the voters. Seeking to restore the lower soccer field at the Town Farm complex, will be closed effective 9/1.

Councilor Gerlach made a motion, seconded by Councilor deMedeiros to allow the Town Administrator to move forward seeking competitive bids for Field Restoration of Lower Soccer Field at Town Farm Complex. Motion passed unanimously.

2. Town Administrator/DPW Director – Permission to Advertise for Bids for a Lease/Purchase Option of a New Backhoe/Loader

T/A Wojcik noted this was discussed at the previous meeting, directed to request advertising for bids. DPW Director Berlucchi was ready to advertise, move forward with a lease and purchase option in the new FY. The bids will be analyzed for performance, repair ability, history of service and the recommendation of the driver. Will test every machine. Expect at least 3 bids, have an or equal clause, any manufacturer can bid.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to grant permission to Advertise for Bids for a Lease/Purchase Option of a New Backhoe/Loader, not to exceed \$3,600 per month. Some discussion followed, Solicitor Teitz made clear the time was not to exceed 6/30/2015, can be a purchase option. The Town is not obligated to pay beyond 6/30 if the Budget Committee does not authorize the money. Director Berlucchi noted that was in the RFP. Councilor Arruda questioned if there was a backup plan. Director Berlucchi would have to come back before the Council to rent one. Costs approximately \$100k, \$40k returned for the rental charge as a down payment, would go before the B/C and Council to ask for roughly \$50k for a brand new machine. Motion passed unanimously.

Town Clerk Mello requested the advertising be emailed by 9:00 am tomorrow morning.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. T/A Wojcik corrected something mentioned earlier about the Senior Center Director's salary, more like 15%. Was previously paid longevity, added to the base salary, decision at that time was to make more competitive.
2. At the last meeting mentioned in the monthly report of the Tax Collector, interest on the bills mailed late. Talked to the vendor, Vision Government Systems will refund an amount equal to the sum total. Will credit future quarters, comes to approximately \$1,500.
3. Going back out to advertise for Maintenance/Foreman.
4. Park improvements-Gazebo at Bulgarmarsh, most of the structure set. Waiting for the climbing dome.
5. On Friday a public relations specialist hired by Spectra Energy reached out to Town Hall to discuss a potential pipeline improvement. Early this morning started receiving documents on the proposed plan. The improvements of a Federal energy don't require building improvements. Now they have to go

through the public process, every Town official is engaged. Expect a meeting around 9/22, will provide materials as available.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

There were no Council announcements.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

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

Solicitor Teitz provided a status update, was a sentencing hearing on the criminal matter by Judge Thunberg, her theory a box on a cover sheet was not checked which eliminated days of violation. Clearly mistaken based on multiple testimony over many days that the Judge allowed. Consider this to be an error on the part of the Judge. As to the earlier comment the Town did not lose \$1.7million, did not have \$1.7million. The Town asked for the maximum fine, in effect wasn't 2 separate offenses and was 1 per day. Hoped for something significant so the cost of the malfeasance was greater than the revenue. Civil case still active, seeking the same penalties, might seek to appeal. Have ordered a transcript, also trying to get a copy of the actual form the Judge relied on. Want to see the actual form that was filled out. Also cited multiple violations, mystifying in light of the history. Some things pointed out are jurisdictional, does not matter when you find them. The Municipal Court fine was \$2,000, was found guilty beyond a reasonable doubt. One important element was the use has essentially stopped, disturbed the neighborhood for years.

2. Correspondence From Interlocal Trust Regarding Ernest J. Cordeiro, Jr. Litigation

Regarding the Cordeiro litigation on a tax sale, the suit claims essentially the State process is unconstitutional. This is the formal denial of the Trust. The Town answered the complaint, attended the hearing will participate as it relates to the Town.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

1. Scheduling of Council Meeting for Shooting Range Licenses – Public Hearing on Sept 29

Town Clerk Mello had 2 individuals who are applying for a Shooting Range License, Randy Lebeau and Tiverton Rod & Gun Club. New license, Solicitor Teitz has a draft application, requires a public hearing. September 8 is the continuation of the Quarry public hearing here at the Town Hall. Have been told this license will involve people from both groups, should schedule at the High School. Have a workshop scheduled for Sept 29, can turn into a special meeting and limit the agenda. Need 10 days for the advertising of the license, 14 day to notice abutters. Consensus of the Council was to have on 9/29, limit the agenda. Any correspondence received from abutters not put in the ordinance packet will be in with the licensing packet. Solicitor Teitz noted the license will be straight forward, taken from the ordinance.

Councilor deMedeiros noted the Charter Complaint is being heard at Municipal Court at 5:30 tomorrow.

2. Combined Polling Locations for Primary Election, Tuesday, September 9, 2014

Town Clerk Mello provided a copy of the ad for polling places for the Primary, will be in this week's paper. The Voter ID drive is 9/3; the Primary is 9/9.

ADJOURNMENT:

Councilor deMedeiros made a motion to adjourn, seconded by Councilor Gerlach passed unanimously.

Council adjourned at approximately 11:10 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

RESOLUTION TOWN COUNCIL
TOWN OF TIVERTON AUGUST 25, 2014

Supporting the Goals of Solarize Rhode Island

- WHEREAS** Tiverton, a state leader energy efficiency practices, seeks to engage in new energy saving measures such as generating electricity with photovoltaic cells; and
- WHEREAS** the State of Rhode Island has adopted The Resilient Rhode Island Act, which seeks to protect the people of Rhode Island and make our state economy and society resilient in the face of the nearly certain, but not precisely predictable, effects of climate change and calls for the development of strategies and implementation measures to achieve the following reductions in green house gas emissions: 25% below 1990 levels by 2025, 50% below 1990 levels by 2035, and 85% below 1990 levels by 2050.
- WHEREAS** solar energy is good for the environment and contributes to a reduction in green house gas emissions; and
- WHEREAS** generating electricity from solar energy can save Tiverton businesses and homeowners money on their utility bills and can help control future energy costs while reducing strain on the electrical grid; and
- WHEREAS** solar energy creates opportunities for economic development and job creation; and
- WHEREAS** solar energy promotes energy independence and;
- WHEREAS** Commerce RI and the Rhode Island Office of Energy Resources will be offering a Solarize Rhode Island program to encourage more residential and small commercial solar electric installations; to reduce energy use; to improve the environment; and to create jobs by increasing the use of solar technologies; and
- WHEREAS** Commerce RI and the Rhode Island Office of Energy Resources, upon approval of the Renewable Energy Fund Board, will be working with non-profit SmartPower to launch, market, and administer the program across Rhode Island; and
- WHEREAS** the Town of Tiverton has endorsed the goals of Solarize Rhode Island; and
- WHEREAS** Commerce RI and the Rhode Island Office of Energy Resources, along with SmartPower, will promote the Town of Tiverton for its participation in Solarize Rhode Island in media stories, on its website, through social marketing and at presentations; and
- WHEREAS** the Town of Tiverton will promote Solarize Rhode Island, including participating in joint outreach opportunities, such as generating press releases, posting information on the community website, providing cable access information, ensuring Town of Tiverton officials' attendance at promotional events, assisting with signage placement and other joint outreach efforts; and
- WHEREAS** the Town of Tiverton will designate a person to coordinate communications activities with Commerce RI, the Rhode Island Office of Energy Resources and SmartPower.
- NOW THEREFORE BE IT RESOLVED** that the Town of Tiverton commits to promote and participate in the Solarize Rhode Island effort known as Solarize Tiverton with the goal of becoming a leader in residential and small commercial solar electric installations in the State of Rhode Island.
- RESOLVED** that the Town of Tiverton shall encourage all businesses, institutions and households within the Town of Tiverton to adopt the goals and purpose of promoting solar energy in our community by supporting Solarize Tiverton.

ADOPTED BY THE TIVERTON TOWN COUNCIL AUGUST 25, 2014