

**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 8th day of September 2014 A.D. at 7:00 p.m.

President Roderick opened the meeting with the Pledge of Allegiance to the Flag and requested all audience members to remain standing after the Pledge for a Moment of Silence for Victims of September 11th.

Moment of Silence for Victims of September 11th

Roll Call:	Edward A. Roderick-President	William P. Gerlach
	Denise M. deMedeiros-Vice President	Jay J. Lambert
	James Arruda - Absent	Brett N. Pelletier – Late arrival
	Joan B. Chabot	

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present. Office Clerk, Leona Cook called the roll. Town Clerk Nancy Mello arrived just prior to the end of the meeting.

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. Council Lambert, at the request of Tax Assessor David Robert requested removal of item A-4, Tax Assessor – Approval of Abatements.

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

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Special Council Meeting Minutes June 30, 2014
- b. Approval of Regular Council Meeting Minutes July 14, 2014
- c. No Executive Session Held August 12, 2014
- d. Approval of Executive Session Minutes Special Meeting August 21, 2014
Councilor deMedeiros Abstains - Absent
- e. Approval of Executive Session Minutes August 25, 2014
Councilor Lambert Abstains - Absent

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

- | | |
|------------------------------------|--------------------------|
| a. Conservation Commission | d. Planning Board |
| b. Economic Development Commission | e. Recreation Commission |
| c. Cemetery Commission | |

A-3-Correspondence – Receive and File

- a. Wildlife Rehabilitators Association of Rhode Island Letter of Thanks for Support

A-5-Atty Brian Cunha — Claim Referred to Solicitor and Interlocal Trust

A-6-Town Administrator – Distribution of Monthly Overtime Report

A-7-Town Administrator – Adoption of Policy for Code Red Emergency Notification Service

A-8-RIDOT – Quaker Avenue Extension – Offer to Repurchase Land for \$1 - Referred to Planning Board for Advisory Recommendation

A-9-Town Administrator - Distribution of Department Monthly Reports

A-10-Kate Michaud – Planning Board Administrative Officer Report for August Activities

BUSINESS BROUGHT BEFORE THE COUNCIL

A-4-Tax Assessor – Approval of Abatements

Tax Assessor David Robert in the past has provided explanations of abatements. Wanted to address #s 35-58 totaling \$11,292.43. It is for the same account number, processing this administratively as an abatement. Will be recouped by supplemental billing, one account number had 24 parcels, now will be having 24 separate bills.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to approve A-4, Tax Assessor, Approval of Abatements. Motion passed unanimously.

OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:

Janice Gomes, Senior Center Director informed the Council, obtained a bus from RIPTA later this week. The engine has been replaced, has 56,000 miles. Roger Bennis commented on building permits. Council should approve an ordinance or stipulate no one should be issued a building permit that alters a building footprint without a survey and add a statement on a permit indicating the applicant has read all Town ordinances or State requirements. Suggested this would cut down on court expenses.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

1. Roger Williams Community Partnership Center/ Kate Michaud - Stone Bridge Reimagined

Kate Michaud, Planning Board Administrative Officer explained the initial goals were to look at architectural renderings for various uses, got public input on uses and feedback on preferences. Was a wonderful experience working with the students. Feedback came from 2 day charrettes and the on line survey. Introduced Arnold Robinson, the Community Partnership Center (CPC) Director. Mr. Robinson explained 7 graduate students were involved with the project. Thanked Tiverton residents Liz Colbert and Michael Colbert, pre-charrette participants. The project was done in 6 phases, looked at zoning, conservation and demographics. The full 80 page report will be available on the Town website. Phase 2, Site Analysis, was presented by Bill Langman. Looked at the site location, zoning, context of the structure, architectural and structural surveys. The building is a late 60-70's style gas station, the tank has been removed. Looked at the beach, the context of the abutment, impact of parking, the breakwater, the Doughboy Park. Phase 3 documented history and recent proposals. Phase 4 involved pre-charrette work and findings. Charrette preparations included survey results-beautification of the area. Benefits from redevelopment are a more esthetically pleasing environment, future uses, demolishing the structure, improve the changing station. Phase 5 identified issues from the survey, 2 key objectives were to generate ideas for uses and generate drawings. Phase 6, Outcomes, produced scenarios versus recommendations. Formulated 4 scenarios, no recommendation on any one. Student Juan Ocampo, with a Masters in Architecture presented the section on various scenarios which included removing the gas station, create a new beach support building, rehabilitate the gas station and have improved fishing facilities. President Roderick thanked the participants for their hard work.

2. Leroy Kendricks - Tiverton Wastewater Sewer District Update

Leroy Kendricks, Tiverton Wastewater Sewer District updated the Council. The office moved to 86 Main Road, now officially in business, have a website, TWWD.org. Want to keep the current phone number, 625-6701, will be posted on the website. Conducted 3 neighborhood meetings, Riverside Drive, Bay Street and Robert Gray Avenue areas, good input from the citizens, asked all to vote for a 3 year program. For year 1 have \$7.1million dollars, 44% grant money, 56% from loans. Don't have funding for years 2 & 3. Only asking people to vote who participate in year 1. For the 2nd year would apply for funds, go back to the neighborhoods for a vote. Other concerns raised included not having the capacity to pay. The fee assessment and user charge come to approximately \$125/month for the first year. Church Community Housing has a loan program for residents and

elderly citizens who meet certain income levels, working to mitigate the issue of affordability. People confused about a do nothing option. Have talked to DEM, there is no do nothing option, have had a plan in place for several years to extend sewers to these areas. DEM has held off on violation notifications so far. If there is a yes vote won't be bothered by DEM, have to 2020 to get those done with the Cesspool Act. If there is a no vote the current plan calls for inspections, if fails goes through the channels, would have one year to remedy at their cost according to the Wastewater ordinance right now. In the next few weeks will pass out documents for frequently asked questions and the voting process. Hope to have a vote by the end of the month.

Councilor Chabot noted the Comprehensive Plan would have to be updated on the formation of the Wastewater District. Town Administrator Wojcik noted some lingering issues of the Town's function for a resolution of on-site testing program, discussion on what the TWWD will continue to do possible go for bid or have a Memorandum of Agreement with them for the short term. Will need the Charter and Ordinance revised, a transitional employee agreement to terminate a contract, will work out with Mr. Kendricks and TWWD is requesting an affiliation agreement with the Town for insurance rates with the Interlocal Trust. Will provide this for the 9/22 Council meeting. President Roderick thanked Mr. Kendricks for the update.

Item moved up in the agenda

Councilor Lambert made a motion, seconded by Councilor deMedeiros to move up item C1, re: Bethany Shaker-Riptides Sports Grille, 1 Bay Street Advertised Public Hearing to before B3 for consideration at this time. Motion passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING: ADVERTISED PUBLIC HEARINGS

1. Bethany Shaker-Riptides Sports Grille, 1 Bay Street

a. Request Approval of BV Liquor License (Advertised Public Hearing)–Subject to Meeting All Legal Requirements - Objections by Residents in Bay Street Area

b. Victualling License (Non-Advertised) - Subject to Meeting All Legal Requirements

c. Entertainment License (Non-Advertised) – Subject to Meeting All Legal Requirements

President Roderick noted this was an advertised public hearing on a request from Bethany Shaker, Riptides Sports Grille, 1 Bay Street. Solicitor Teitz requested to be heard first, explained there are some concerns with this application. A letter from Police Chief Thomas Blakey was given to the Council with the packet, letter recommended denial of this license, a lot of history with the property owner and the applicant. Chief Blakey was recommending against issuance. The Solicitor called Cort Chappell, attorney for the applicant. Attorney Chappell could not make this meeting; the applicant is requesting a continuance. Solicitor Teitz introduced documents for entry into the record and recommended continuance for 2 weeks for Council to review the documents. Bethany Shaker had no objection to the continuance. Documents introduced by the Solicitor were as follows: 1) Copy of a decision of the City of Fall River Licensing Board regarding revocation of Jake's New Tyme Saloon, owner of current building and manager, was appealed to the Massachusetts Alcoholic Beverages Control Commission and upheld, 2) transcript of activities from a Show Cause hearing before the Fall River Board of Licensing (FRBOL) May 2011, 3) copy of a letter of the FRBOL regarding the Show Cause hearing with a Police report from Officer William Falandys, 4) copy of a letter to Michael Ballback, Special Investigator Asset Forfeiture & Seized Property Branch from Liz Pereira, Assistant Corporation Counsel City of Fall River regarding Shaker's Bar and Lounge string of events not only in 2011 but several suspensions going into the 1990's, 5) copy of a Search Warrant from District Court in Fall River showing history in 2011 and 6) a series of reports of Police calls to the establishment, not every call was for the bar itself, most concerned disturbances at the licensed establishment. Solicitor Teitz noted, if no objection, should continue to the next meeting. The applicant was provided copies of the introduced documents. Ms. Shaker questioned if she would be able to produce her own documents to clear up everything and for her attorney to be present. President Roderick affirmed she would be able to provide documents at that time.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to continue the Public Hearing on the request from Bethany Shaker-Riptides Sports Grille, 1 Bay Street for approval of licenses to the next meeting, September 22, 2014. Motion passed unanimously.

President Roderick noted Ms. Shaker requested her attorney be here, not fair to hear complaints without her attorney present. An audience member wanted to be heard, had sent an email. Councilor deMedeiros explained the Council did receive that email, will be entered.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:
ADVERTISED PUBLIC HEARINGS

3. Public Hearing Amendments to Town Code Chapter 38 – Environment, Article III; Earth Removal, Division 1 – Generally and Division 2 – License – Continued From July 14, 2014

a.Solicitor Memorandum on Town’s Authority to Regulate Earth Removal/Quarry Operations

b.Proposed Amended Ordinance With Further Amendments Following Public Hearing of July 14th

c.Planning Board Memorandum

President Roderick informed the advertised public hearing was now open. Solicitor Teitz explained as set forth in the Memorandum, have researched further based on comments from the last public hearing. Solicitor Teitz explained State legislation does restrict the Town, does not give power to regulate limestone, lime rock or granite specifically excluded. Town can’t regulate removal of these. To the extent of current operations of crushing gravel, is gravel processing and under the jurisdiction of the Council. Solicitor Teitz suggested amending the ordinance to put back the previous exclusions, added on site processing provision along with a few technical changes. Reviewed the changes suggested by the neighbors, would go along with the regulations. Recommend preparing legislation to amend the 1973 State specific legislation for the General Assembly to deal with in a more comprehensive fashion. Resident James Tabak has invited the monitoring company to set up on his lawn, have measured 120db level. A public hazard and destructive.

Councilor Pelletier arrived at this time, 8:00 p.m. Mr. Tabak noted the Town ordinance was 60db, suggest limiting the charge to half, have also been blasting before 7:00 am. There is no enforcement action as far as the noise. Resident Bob Toolin researched into the Town and blasting. One of the previous owners had declared bankruptcy. Handed the Solicitor a 34 page Court Decision from Cumberland, RI, Judge ruled in favor of the citizens of Cumberland.

Solicitor Teitz explained the 1977 Superior Court decision was not binding, only Supreme Court decisions. Just glancing at this it was a private action by the landowners, you have that right but the Town does not. Blasting and groundwater are preempted by State regulations, DEM for groundwater and the Fire Marshall for blasting. Residents have the right to bring an action; the Town can’t bring it and can’t bring it for the residents. The Town would be dismissed for lack of standing. DEM regulates the use of groundwater protection throughout the State. The Town requires them to post a bond. Resident Patrick Finglass discussed the effects of the noise, sound like a freight train when rock is being processed. Requested the Police do a decibel level test, was done over 15 minutes and was over the dB level. Mr. Finglass also discussed a conveyor belt 50-60 feet in the air, generates noise. A structure for an industrial zone should only be 50 feet. Do not think the noise is exempt, the crushing of rock and gravel. Like to see this amended and put those restrictions in effect on the processing through blasting. Mr. Finglass urged the Council to proceed with caution on the application process Section 38-83, suggested changing Section 1.7 of the Town’s ordinance for the fines associated, is an old financial structure. Mr. Finglass invited members of the Council to stop by 46 Beth Road. President Roderick noted the letter received from Stephen Hughes, Chairman of the Planning Board requesting an opportunity for the PB to review the revisions and offer an advisory opinion. Solicitor Teitz concurred with that request. Resident Roger Bennis suggested the Town have its engineers do sound measurements. Tom Ramotowski, Chair Conservation Commission suggested putting a specific definition, have a geologist determine if it’s granite or not. Fire Chief Robert Lloyd explained the blasting, dynamite are under the State Fire Marshall Office, they have the ultimate authority.

President Roderick called for public comments a second time. Lawrence McCarthy, General Counsel for J.H. Lynch & Sons had spoken at the last public hearing. Mr. McCarty commented on the revisions, agreed with Solicitor Teitz that Tiverton cannot restrict granite quarrying without legislation. Disagreed that a definition could be added. Suggested the Solicitor's memorandum not supported by facts or legislative history. Granite was being mined as early as the 60's. Submitted an affidavit from Michael A. Gammino, III relative to quarrying of granite at the Fish Road Quarry. The Gammino Company had a contract with the United State to supply granite riprap to the Navy Base. Attached to this was an article on the Mineral Industry of Rhode Island. Mr. McCarthy noted the proposed ordinance had no effective date, requires a business to get a license for activities that never needed a license, has no beginning or end date. The groundwater table elevation language in 38-61-1, page 3, submitted are outdated, were supplanted in 2002. Subsection 4 incorporates the Soil Erosion and Sediment Control Ordinance. According to RIGL 45-46-5 the model Soil Erosion Control Ordinance does not apply to quarrying granite. Request this to be continued so it can be referred to the proper venue, RI General Assembly. President Roderick called again for public comment 3 times. Solicitor Teitz noted the PB needs time, they meet next on October 7; suggest continuing to October 27 Council meeting. Councilor deMedeiros requested the Solicitor look at the other comments as well.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to continue the Public Hearing to October 27, 2014. Councilor Gerlach had some specific questions; Solicitor Teitz suggested sending those to the Clerk with a cc to the Solicitor. Motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

Resignation of Stephen M. O'Neil – Personnel Board

Councilor Gerlach made a motion, seconded by Councilor Chabot to accept with regret and thanks for service to the Town the Resignation of Stephen M. O'Neil, Personnel Board. Motion passed unanimously.

E-UNFINISHED BUSINESS:

F-FINANCIAL BUSINESS:

G-NEW BUSINESS:

1.Town Administrator – Approval of Appointment of Code Enforcement Officer – Christopher J. Synnott, 50 Oceanview Drive, Middletown, RI

Town Administrator Matthew Wojcik explained items G1 & G2 were related requesting Council consideration on the appointment of Christopher J. Synnott to position of Code Enforcement Officer. Provided a contract and an impact statement. Many communities struggle to find a qualified individual. Introduced Mr. Synnott who has been involved in the construction industry for 27 years. At the request of the T/A attended a conference on assessment for emergencies. Involved with the Thompson Middle School project, Salve and URI. Volunteers on the Middletown Building Committee. Project management has many levels, depends on the type of project. Based on qualifications can bring more to help the Town. One priority is to review the Zoning Ordinance. President Roderick noted every Town is unique, need to be able to explain why things are done in a certain way. Need to make as easy as possible. Mr. Synnott was ready to be available, knows about the area, and legal non-conforming lots. Do not want to see contractors struggle. President Roderick questioned if the salary fell within the budget. T/A Wojcik explained an additional \$10,000 was suggested at the time for part time clerical help. It was also mentioned this would give the T/A some flexibility in negotiating a salary. The \$62,500 starting salary puts the Town in the middle of the salary range in the State of RI for this position and demographics. The benefits package is the same regardless of salary. Falls slightly under budget. President Roderick recalled discussing the need for a part time clerk at that time. Councilor deMedeiros requested the Town Clerk's input. Town Clerk Mello, at the time Acting T/A explained that was needed to cover the Building Clerk on vacation and for a back log. Was a request of the Building Official at that time. Were using a part timer and paying overtime. Recalled the discussion with the Budget Committee (BC) regarding salary and may need some of part-time salary

toward B/Official salary. Councilor Pelletier noted this appointment should be mitigating some of the coverage, work flow issues.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to approve the Appointment of Christopher J. Synnott to the position of Code Enforcement Officer. Motion passed unanimously.

2. Town Administrator – Request Ratification of 3 Year Contract for Code Enforcement Officer

Councilor Pelletier noted the contract was for a term of 3 years with a probationary period for 6 months, calls for a review, same contract as in the past. T/A Wojcik explained during the Probationary Period the credentials will be secured to become a Certified Floodplain Manager (CFM), certification as a Building Official. Provided the CFM exam is held during this period of time. Councilor Pelletier noted a typo on the last page, last sentence, the agreement being executed on September 22, 2014. President Roderick suggested deleting the 22nd.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Contract of Code Enforcement Officer subject to the amendments discussed and the typing error. Councilor Chabot noted the duties on page 1, with attached Appendix A, did not see one, don't know if required. T/A Wojcik explained that was the advertised job description. President Roderick requested forwarding that to the Council, put with the contract. Motion passed unanimously.

3. Councilor Gerlach - Follow Up From August 25th Meeting Regarding Stafford Pond a. Responses to Questions and Copy of Legislation Incorporating the Stone Bridge Fire District

Councilor Gerlach along with Trish Hilton and Tom Ramotowski, Conservation Commission addressed questions raised, next steps for Stafford Pond. The Conservation Commission has recommended two things, 1) to level the field between all motorboat users of the pond to 10 horsepower and 2) correspondence from the State preferably the Department of Health to anyone on the State ordinance on the swimming ban. Perhaps install a closed circuit camera system to monitor boats for the horsepower limit. One question was when Stafford Pond became a source of water. Had provided a copy of legislation for Stone Bridge Fire District, old enabling legislation from 1936. Solicitor Teitz explained legislation was introduced in the 1990's that would have prohibited power boats on the portion within Tiverton. That legislation died in the Senate corporation committee. A bill was passed to create a study commission to study the impacts of recreational use on the pond as a drinking water supply. That commission ceased in 1991. Ms. Hilton did research and found in the late 80's a Town Council did attempt to pass an ordinance, was a lawsuit, temporary restraining order. Town dropped the lawsuit. Councilor Gerlach noted the importance of the history, trying to insure this remains a quality water source for the Town. Have an obligation to protect for the future. Behooves the Council to continue to press for quality and safety of Stafford Pond. Would like some consensus to re-engage discussions. President Roderick requested the Solicitor look into enabling legislation.

Solicitor Teitz noted the legal issue was never decided, continue to ratchet up ordinances, now have licensing of fishing tournaments. Should reconsider to be any motorized vessel, see a small horsepower limitation. Recommend engaging State legislators and ramping up local ordinances. President Roderick questioned if a violation of riparian rights. Solicitor Teitz explained that was not unlimited at the expense of public health and safety, needs to be applied fairly. Ms. Hilton suggested doing via legislation, should be more enforcement, engage the Board of Health, should be a companion ordinance. Councilor Chabot pointed out the 1936 legislation does not mention Stafford Pond. President Roderick suggested working with the Solicitor and T/A for DEM, report back to the Council. Councilor Gerlach thanked the Conservation Commission for the hard work.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator/DPW Director Stephen Berlucchi – Request Award of Bid for Tub Grinding Services at Landfill to Xtreme Tub Grinding Services, Inc. for \$360.00 per hour for FY 2014/15

DPW Director Steve Berlucchi explained the Tub Grinder was 10 feet in diameter, used at the landfill to grind up yard waste. Makes mulch as cover for landfill. Three bids were received, one bid had a much smaller model an excavator on wheels, did not meet requirements. Recommend award to Xtreme Tub Grinding Services.

Councilor Pelletier made a motion, seconded by Councilor deMedeiros to approve the Award of Contract for Tub Grinding Services to Xtreme Tub Grinding Services, Inc. for \$360.00 per hour for FY 2014/15. Motion passed unanimously.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Discussion and Approval of Pothole Policy

T/A Wojcik discussed the proposed Pothole Policy. Massachusetts has a policy preventing filing of any claim from damages for use of a public way. Compensation in RI capped at \$300, people complain all the time about potholes. The Town did not have a clear policy, mandatory by the State. Discussed with the Solicitor who agreed. Provides clarity for the process, in spirit of public service shows what people are entitled to. For State roads follow State procedure, file with DOT. Councilor Chabot suggested a minor change in the second paragraph on the report form, last sentence add per RIGL 24-5-13. T/A Wojcik did put in the beginning of that paragraph. Councilor Chabot requested this be tweaked.

Councilor Gerlach made a motion, seconded by Councilor Pelletier to accept and adopt a New Town Policy regarding compliance with RIGL 24-5.13 as it relates to Claims for Damages Arising from Striking Potholes in Municipal Streets as amended by Councilor Chabot. Motion passed unanimously.

1. T/A Wojcik stated working diligently on the disposition of the Community Center. Voted at the FTR to be in the best interests of the Town. Have sent a letter to the abutters for preliminary interest. Could involve demolition, looking for a rough estimate from local businesses, may include removal of asbestos materials.
2. On the next agenda will have the re-designation of the Enterprise Zone, recommending an amendment to remove the census tracts for South Tiverton.
3. Streetlights expenditures have to be cleared at the end of the year, will be requesting a transfer. Have received a letter from a company called Prism, offered options to buy streetlights. Currently pay \$94/year/streetlight for the maintenance charge alone, roughly \$170,000/year. This group approach is to buy the streetlights then have a maintenance contract reducing expenses by 75%. Not buying the poles or lines just lights. Will be signing a letter for the Town to authorize Prism to request a final inventory of lights from National Grid. No binding commitment will have on the next agenda.

Councilor Pelletier, regarding the Community Center noted elements of that building have historical value, worth considering. T/A Wojcik agreed, schools of that period had unique built in elements, could be saved.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Discussion on Annual Volunteer Appreciation Night

Town Clerk Mello has a heavy schedule with the election, will speak with Senior Center Director Janice Gomes who is big help. Will check, email the Council with dates. Several Councilors volunteered to help. Suggested Friday in October.

Councilor Chabot invited the public to attend the Art Council reception on Sunday, 9/21 from 2-4pm at the Town Hall. Exhibits are original watercolors from the Senior Center Watercolor Class. In the glass showcase are handmade items from the Knitting & Quilting Class, on display until 10/30.

Councilor Chabot also noted the Comp Plan Committee will not be meeting 9/18, a summary update will be delivered to the Council for the 9/22 meeting. The 10/20 meeting will probably be delayed.

Councilor Pelletier reminded, several events on Saturday A Country Day at Pardon Gray and Friday to Sunday the fundraiser Singing Out Against Hunger.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

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

Solicitor Teitz explained the Town filed an appeal of the sentencing with the RI Supreme Court last week. Apparently the Pelletier's are appealing the underlying conviction. Proceeding with the civil case in the meantime.

2.Solicitor Memorandum on Recent Amendments to RI’s Medical Marijuana Legislation

Solicitor Teitz memo was given to all the Building and Zoning Officials the Firm represents. Recent amendments to the State Medical Marijuana Law, effective 9/1, previously allowed individuals to cultivate. Now allows multiple card holders to cultivate in one space with contradictory restrictions. Residential must be inspected by a licensed electrician, non-residential subject to all zoning requirements and municipal inspections. Solicitor Teitz believed if accessory to a dwelling if living there.

TOWN CLERK ITEMS AND ANNOUNCEMENTS

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

Town Clerk Mello, busy in the office for the bulk of the Council meeting reminded about the Primary Election polling locations. Any questions call the Clerk’s office at 625-6703. Using 5 polls-VFW for precincts 3301 &3302, Countryview for precinct 3303 which is where voters for that precinct would normally go, Ranger Elementary School for precinct 3304 normally used for those voters, Sandywoods Farm Community Center for precinct 3305 normally for those voter and Tiverton High School for precincts 3306 & 3307. State has more requirements.

5. CLOSED EXECUTIVE SESSION:

1. Solicitor – Litigation - 42-46-5(a) (2) – Town of Tiverton v. James and Melissa Pelletier

2. Town Administrator – 42-46-5(a) (2) – Collective Bargaining IAFF and IBPO

Councilor Lambert motioned, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to - 42-46-5(a) (2) – Town of Tiverton v. James and Melissa Pelletier– Litigation. Motion passed unanimously.

Councilor Lambert motioned, seconded by Councilor Chabot to remain in Closed Executive Session pursuant to 42-46-5(a) (2) – Collective Bargaining IAFF and IBPO. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:40 p.m.

The Council returned to Open Session at approximately 10:30 p.m.

OPEN SESSION:

In Open Session President Roderick announced no action was taken in Executive Session.

Councilor Gerlach motioned, seconded by Councilor Lambert to seal the minutes of Closed Executive Session. Motion passed unanimously.

ADJOURNMENT:

Councilor Pelletier motioned to adjourn. Seconded by Councilor deMedeiros motion passed unanimously.

Council adjourned at approximately 10:35p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk