

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

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Meeting on Monday, the 29th day of September 2014 at 7:00 p.m. at the Tiverton High School Auditorium, 100 North Brayton Road.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG**

Council President Roderick opened the Special Meeting with the Pledge of Allegiance to the Flag, then called the meeting to order at approximately 7:00 p.m.

**2. ROLL CALL**

Edward Roderick-President	Denise M. deMedeiros-Vice President	Joan B. Chabot
Jay J. Lambert	William P. Gerlach	
Brett N. Pelletier (late arrival)	James J. Arruda	

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

**3. BUSINESS BROUGHT BEFORE THE COUNCIL**

**TOWN COUNCIL SITTING AS BOARD OF LICENSING  
ADVERTISED PUBLIC HEARING**

**1. Tiverton Rod & Gun Club, 1529 Fish Road – Plat 311, Lot 172 Request Approval of Indoor Shooting Range License - Subject to Meeting All Legal Requirements**

President Roderick asked for indulgence from the audience, to approach the podium from either side in an orderly fashion, state name and address, please limit speaking to three minutes, no outbursts please. Peter Regan, an attorney from Sayer Regan and Thayer, representing the Rod & Gun Club (RGC) explained the RGC was a non-profit organization, operating for 81 years, filed a License Application for Indoor Shooting Range for current Indoor Shooting Range facility. Seeking to continue operations which has been recently renovated with state of the art systems. With the application supplied as required the Indoor Range Management Plan, Operating Procedures, Lead Management Plan and a Site Plan. Background checks for the 14 club officers were completed successfully. Police Chief Thomas Blakey had provided the Council with an Inspection Report, noted all required safety and security measures in place. The report concluded there was nothing which would disqualify the applicant from being issued a license to operate an Indoor Shooting Range within the Town of Tiverton. Important to note this location is more than 500 feet from any residential dwelling and RGC own the lots within 500 feet of the facility in order to create a buffer. Attorney Regan wished to make one additional point, did discuss with Solicitor Teitz some revisions that would need to be made to this ordinance. President Roderick reminded Attorney Regan, only discussing the license at this public hearing not the ordinance. Attorney Regan added, as drafted still technically applies to outdoor ranges. The Indoor facility meets or exceeds the requirements. RGC President John Means was also available to answer any additional questions.

President Roderick questioned the insurance. Mr. Means explained it was \$1million with \$2million aggregate. Did bring a copy for the Clerk, was not part of the checklist. Councilor Gerlach questioned if anyone who use the range is a current member or guest and in order to be a member must they be licensed to carry? Mr. Means explained yes must be a current member or guest. Have to have a background check in order to enter the club, requires key access, members have to have safety range training, sign papers saying they understand all the rules. Pistol caliber allowed, based on what the range equipment is rated for. President Roderick called for comment from the public, seeing none opened to the Council. President Roderick noted this packet was well prepared, had a lot of information; commend the RGC for being so diligent. Requested Chief Blakey gives an overview of his findings. Chief Blakey did inspect on 9/25, adhered to the definitions in the ordinance, checked the sight lines, acoustics, and ballistic glass, was quite impressive. Councilor Arruda questioned what guidelines the Chief followed for the inspection. Chief Blakey explained there were no engineering guidelines, used a safety approach, the definitions in the ordinance, inspected the inside and outside of the building using safety procedures. Did

background checks on the 4 club officers and 9 board members. These background checks are quite different from employment background checks.

Councilor deMedeiros made a motion, seconded by Councilor Pelletier to Grant the Tiverton Rod & Gun Club, 1529 Fish Road-Plat 311, Lot 172, an Indoor Shooting Range License –Subject to meeting all legal requirements. Solicitor Teitz suggested the license be effective to run through November 30, 2015. Normally licenses renew at the end of November, first time doing this license. Have applied within the 90 days, seems unwieldy to do again in November 2014. Suggest pro rata for 2 months for the license fee, eliminates duplication of effort. This was amenable to Mr. Means. Councilor deMedeiros amended the motion for the license to go from September 29, 2014 to November 30, 2015. Seconded by Councilor Pelletier, on a roll call vote the motion passed unanimously.

## **2. Sakonnet River Outfitters, 0 Main Road (Corner of Main and Haskins Road) Plat 117, Lot 224- Request Approval of Indoor Shooting Range License – Subject to Meeting All Legal Requirements**

Randy Lebeau, Last Street, owner of Sakonnet River Outfitters (SRO), answered questions regarding this application. President Roderick noted the Council had Mr. Lebeau's application, same rules and regulations apply. Requested a general overview, observed Mr. Lebeau brought a model of the proposed building. Mr. Lebeau explained the quarter scale model of the range, does not have insurance until it opens. Building is 12feet high, 90 feet long. Will have a snail trap system, Action Target is handling the building, a modern up to date system. For the outer shell added an extra \$80,000 expense, lined the whole range with a metal building, to make sure no sound is heard outside the building. President Roderick requested public comment. Nan Heroux, Middletown, was deeply concerned about gun ranges in a populated area. A question of safety hopes Council will give the greatest consideration. Supported the Council's effort to regulate. President Roderick again called for public comment. Maureen Morrow, resident, commented on this opportunity for the Council to consider geography. Referenced RIGL 11-47-50, Discharge of Firearms within a compact part of any city/town. This is a compact part of Town, bus stop, residential. Not saying Mr. Lebeau should not be licensed but not where he proposes to put this range. President Roderick called three more times for public comment, hearing none opened to the Council. Councilor Gerlach had several questions, requested clarification from Mr. Lebeau on the name of the person or organization filing for the license. The agenda request has Sakonnet River Outfitters LLC and R&D Acquisition LLC. Mr. Lebeau explained he owns other companies. Councilor Gerlach requested Mr. Lebeau elaborate on the proposed business model, wanted to understand the clients that would be coming in. Mr. Lebeau planned to cater to the people who don't want to be part of a gun club. Will have classes for beginners to expert. Range safety officers will be on the range at all times. No pass card system, for every 4 shooters will have 1 safety officer. Will be open 12 hours, one access in or out. Need to have a RI Blue Pistol Safety Card. Cannot come in off the street without having all the criteria including the Blue Card. RI DEM issues the Blue Card, have to pass a 50 question test and take a half-hour range safety test. Policy is the same for all. Councilor Gerlach questioned what type of guns would be used. Mr. Lebeau explained the building will withstand up to 50 BMG, military style caliber, allow up to 223 rifle rounds. Councilor Gerlach requested Mr. Lebeau elaborate on what was done to engage the neighbors, some expressed concerns. Mr. Lebeau explained he spoke to most of the neighbors, offered them to come to his shop, went to the bus stop in the morning talked with the mothers about what kind of building was going up.

Councilor Pelletier, referring to the site plan, C02 which lays out the building site questioned the number of parking spaces. Mr. Lebeau explained there would be 12 paved spaces, with 12 to 14 spots on the grass to the right, no off street parking. Councilor deMedeiros questioned where Mr. Lebeau was in the process with the Planning Board. Mr. Lebeau explained tomorrow should be the final meeting, has changed where the building sits, the roof line, parking, glass, wanted a certain look. Action Target takes full responsibility for the building.

Councilor deMedeiros noted Chief Blakey could not do a safety check, there is no building, need a final inspection. Mr. Lebeau did not expect the Council to issue the license tonight; inside walls have to be built first. Councilor Lambert expressed concern about the application for a license that is not built yet, no business is there, nothing is finalized as far as permitting or the final Planning Board. Councilor Lambert wanted to vote on something concrete, might consider continuing until the permitting for the Planning Board has completed their work. Mr. Lebeau questioned if there would be another public hearing or just have to come before the Council again. Solicitor Teitz explained this part of the public hearing could be continued to the next regular scheduled meeting but not at the high school, have at the Town Hall. Mr. Lebeau's main concern was with the Planning Board, intended to put the foundation in immediately after that meeting. Solicitor Teitz noted Mr. Lebeau would be proceeding at his own risk, questioned if the plans had been reviewed by the Building Official and Fire Department. President Roderick noted was looking at nothing, no building, no approved plans. The Chief can't inspect a building that doesn't exist, background check were not done. Mr. Lebeau explained he was the only one who needed a background check as owner and manager. Solicitor Teitz noted Mr. Lebeau and his son Craig would need background checks if they were the only members of the LLC. Should also have one for the range master. President Roderick did not know if this was going to be approved or not, what if the Council grants but does not issue? That was all Mr. Lebeau was looking for. President Roderick mentioned if anything else with all the permits issues, all inspections, all background checks, is subject to all legal requirements before being issued.

Councilor Pelletier noted if there were any alterations to the documents mentioned for the license, don't have a complete application. Questioned what mechanisms exist if the final plans are not what are voted on. Would it be an administrative review or Council review if something changes on Tuesday? Solicitor Teitz agreed should specify if having the Clerk review should come back to the Council. Councilor Pelletier noted after Tuesday Mr. Lebeau would be getting the Mechanical permits, electrical and plumbing. Councilor Gerlach questioned why this location, why in a densely populated residential area. Mr. Lebeau explained this location met all the criteria, was a commercial area, the gas line stops right there. Need natural gas for the heater, did not have enough room at his current location. Councilor deMedeiros noted the neighbors need to understand this is a commercial area, according to zoning cannot stop from putting a gun shop there. President Roderick explained should Mr. Lebeau get all the permits and comes before the Council which decides not to issue, then Mr. Lebeau is taking the risk. Could be some things, that do not pass inspection, are no guarantees. Councilor Lambert wanted to clarify raised the issue of inspections, permitting and the approval process, was not trying to suggest the Council would not issue. Mr. Lebeau expected to have the permits by Friday after the Planning Board meeting.

Councilor Chabot noted 63 neighbors, questioned if all were notified of the Public Hearing. Town Clerk Mello explained they were notified by regular mail, not required to send certified, was advertised, on the website. All the documents we had on Friday were on the website except for the Police report. Councilor Chabot wanted to know if the resident had any comments. President Roderick, going against Robert's Rules, did ask 3 times for comments from the public, called for comments from those who did not speak. Matthew Titcomb, resident, stated his objection, better places in Town for this to go. Evangeline Jandro, resident of the area, was very concerned, Mr. Lebeau did not talk to her, should not have to go to his shop. Dawn Bouchard, resident questioned Mr. Lebeau if everyone who goes in has to have a background check. Mr. Lebeau replied everyone who comes in has to have a card, cannot carry a gun without a background check. In order to purchase guns, need a Federal and local background check. Councilor Gerlach was concerned if someone could just come in off the street, rent a gun and shoot. All they would need is the Blue Card go through your own safety checks. Was concerned about not having a background check. Councilor Pelletier questioned if there would be a surveillance system. Mr. Lebeau planned to have a 16 camera system including the parking lot. Rosemary Eva, resident and Planning Board member, speaking personally noted Tuesday will be the formal meeting with Mr. Lebeau. He had been meeting with the Technical Review Committee. Councilor Pelletier explained this was an ad hoc committee meant to get the preliminary technical side taken care of without having to repeatedly go before the Board. Ms. Morrow wondered if Chief Blakey could comment if he had any concerns. President Roderick explained the Chief has nothing to inspect, there is no building there. President Roderick suggested continuing this part of the public hearing to October 14 so would know the outcome from the Planning Board meeting.

Councilor Lambert made a motion, seconded by Councilor deMedeiros to continue the Public Hearing to October 14, 2014 at the Town Hall for the Indoor Shooting License approval request from Sakonnet River Outfitters. The roll call vote was as follows: Councilor Gerlach-aye, Councilor Arruda-aye, Councilor Chabot-aye, Councilor deMedeiros-aye, Councilor Roderick-aye, Councilor Lambert-aye and Councilor Pelletier-aye. Motion passed on a vote 6-1. Councilor Gerlach opposed.

Town Clerk Mello requested adding an item to the agenda for discussion, just received a Charter Complaint.

Councilor Pelletier made a motion, seconded by Councilor Gerlach to add to the agenda for discussion a Charter Complaint the Clerk just received. Motion passed unanimously.

#### **Added to Agenda for Discussion Charter Complaint**

Town Clerk Mello distributed a Charter Complaint filed by Mr. Jams O'Dell against the Municipal Court Judge, looking to put on the October 14<sup>th</sup> agenda. The Council would sit as the Charter Monitoring and Complaint Review Board. Received this on 9/24, running out of time. Solicitor Teitz noted the discussion should come at that meeting to decide what to do next.

Councilor Pelletier made a motion, seconded by Councilor Lambert to add to the October 14, 2014 agenda discussion on the Charter Complaint. Motion passed unanimously.

#### **4. ADJOURNMENT:**

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

The Special Meeting adjourned at 8:20 p.m.

**A True Copy.**

**ATTEST:** \_\_\_\_\_

Nancy L. Mello, Town Clerk