

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

*Amended 2-9-15*

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 12th day of January 2015 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

<b>Roll Call:</b>	<b>Denise M. deMedeiros - President</b>	<b>Jay J. Lambert</b>	<b>Peter A. Mello</b>
	<b>Joan B. Chabot – Vice President</b>	<b>Brett N. Pelletier</b>	<b>David Perry</b>
	<b>Joseph R. Sousa</b>		

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 ordinarily 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 and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

President deMedeiros read the items on the Consent Agenda. President deMedeiros requested removal of items A-3a, Roger Bennis –Email Regarding Sidewalk and Road Problems and A3b, Donna Clark- Letter Regarding Cynthia Avenue Road Repairs - Referred to Street Committee.

Councilor Pelletier made a motion, seconded by Councilor Sousa 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 Regular Council Meeting Minutes December 8, 2014
- b. Approval of Executive Session Minutes of December 8, 2014

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

- |  |                       |
|--|-----------------------|
| Library Board of Trustees              | c. Planning Board (2) |
| b. Recreation and Beach Commission (2) | d. Arts Council       |

**A-3-Correspondence – Receive and File**

- c. Pam Poli – Proposal for Use of Gas Station Near Grinnell’s Beach – Student Economic Learning Center

**A-4-Approval of Tax Assessor Abatements**

**A-5-Town Administrator – Distribution of Overtime Report for Fire and Police Department**

**A-6-Kate Michaud, Planning Board Administrative Officer Report of Activities for December 2014**

**A-7Town Administrator – Distribution of Department Monthly Reports for December 2014**

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**A-3a-Roger Bennis –Email Regarding Sidewalk and Road Problems**

President deMedeiros noted this item was missing referred to DPW Director Steve Berlucci. Mr. Bennis requested to speak on the issue, believes should not be referred to Director Berlucci, should be referred to the Police Department for the sidewalk problem and the State for the road and sidewalk problems. Mr. Bennis has observed snow being plowed onto sidewalks, a matter for the Police to enforce. Leaves and branches on Main Road is a matter for DOT, have trimmed branches when walking. President deMedeiros explained this will be

referred to Director Berlucchi, then he can refer to the Police Department and DOT. Just would like someone to oversee. Mr. Bennis also complained about the condition of the pavement on Highland Road which has numerous potholes.

Councilor deMedeiros made a motion, seconded by Councilor Lambert to refer to DPW Director Steve Berlucchi the email from Roger Bennis regarding sidewalk and road problems. Motion passed unanimously.

**A-3b-Donna Clark- Letter Regarding Cynthia Avenue Road Repairs - Referred to Street Committee**

Ms. Clark requested the opportunity to speak, lives at 55 Edmond Lane, has spoken to a member of the Street Committee would like the upper portion of Edmond Lane fixed, has not been plowed. Cars bottom out, Edmond Lane has 4 houses, had provided a map of the area with the vehicle route that is requested to be repaired. President deMedeiros explained this has been referred to the Street Committee.

Councilor Perry made a motion, seconded by Councilor Lambert to accept A3a &b. Motion passed unanimously.

**B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**

**1. Tiverton Prevention Coalition – Project Purple**

Rebecca Ellwell, Tiverton Prevention Coalition Coordinator talked about Project Purple. Gave a brief overview of the project, an initiative of Chris Herren, former professional basketball player who has battled addiction to drugs. Mr. Herren is in recovery, working to help others with addiction. At a speech given by Mr. Herren a group of students who wore purple shirts, representing the sober students, were commended by Mr. Herren. Tiverton Prevention Coalition is asking Town bodies for support. Have purple banners, hoping to put in front or on the end of the building, maybe have purple lights. Sally Black, Coalition member explained, not looking for money, just looking for support, perhaps people could wear something purple, wear ribbons.

Councilor Pelletier made a motion, seconded by Councilor Perry to support Tiverton Prevention Coalition in declaring the week of January 26, 2015 as Project Purple week, with best of luck. Motion passed unanimously.

**2. Mr. Timothy Phies, Pare Corporation – Status Update on Landfill Closure Plan**

DPW Director Steve Berlucchi and Timothy Phies, Pare Corporation updated the Council on the Landfill Closure Plan. Submitted the plan as part of the request for an extension of the Landfill license. DEM had the application since November, has not been approved as of yet. PARE has been the consultant for 30 years, have prepared a report. Estimate closure in 2-3 years. Nearby Fall River recently adopted Pay As You Throw (PAYT), Tiverton's bag sales increased dramatically, will be more rubbish. Gave 4 documents to DEM, the Operations Plan, Groundwater Monitoring, Closure Plan and Post Closure Plan. Prepared 7 general questions for Mr. Phies, working for PARE over 13 years, to answer. Submitted the license renewal application to the State, required every 3 years. The closure date was estimated. The State required the engineers develop a final plan, set fixed parameters regarding the height, minimum and maximum slope, volume of trash for the space allowed. Every 6 months estimate the filling rate; subtract the survey volume to figure out the remaining space. Estimate 3 years to the end of 2016 or the beginning of 2017. Explained how the closure cost is estimated. Take the final plan, develop quantities of the fill needed to cap, quantify unit prices and come up with a preliminary cost estimate. The State requires 4 different alternative plans for closure, essentially different types of materials to use. Estimate \$9-11 million dollars needed for closure. Will select the least expensive option, all 4 met the minimum requirements.

Continued discussing the process for closure, the timeline. Have to notify DEM 90 day's prior, final plan has to be in place for the closure within 30 days of accepting the last load. Prudent to have the final design and capping plan lined up, the engineering, permitting. Once started must complete the capping within 180 days. The capping process is essentially a barrier over the trash, multiple layers of materials to reduce exposure, shed water away. Stabilizes the landfill, has different types of soil and drainage. One has a plastic cap and soil controls.

The Post Closure Process involves the landfill staying under the jurisdiction of the DEM waste management division for 30 years. Requires annual reporting for 30 years, groundwater monitoring, 4 rounds of gas monitoring, 4 inspections done every year and annual maintenance includes mowing 3 times per year, storm water maintenance. The State may extend the 30 year period. Every quarter groundwater samples of ground water are done from wells around the property, have tremendous amount of data collected over 30 years. Report every quarter, in these reports have always said the groundwater has a low level but consistent impact for contaminants, the impact is generally low. Question arose about the drive in road; the drainage swale has an orange discoloration, whether it has ever been sampled. It is has been sampled, is iron, similar to the groundwater in nearby wells. By the time it leaves the site it is much lower, generally much cleaner. The monitoring wells are between 12 to 30 feet deep, not bedrock wells, but shallow groundwater wells.

Mr. Phies answered questions from the Council. Councilor Sousa questioned whether the life of the landfill could be extended and how many feet would be required. Mr. Phies explained if the space remaining within the landfill was used would require a change to the engineering plan, need permits for additional areas. DEM has not been receptive to this in the past. Could put in an application, they would require a base layer, leaching septic system, would add a tremendous amount of capital cost in the millions. Could compress the landfill for the maximum potential height; have to go DEM to request. Next to the landfill in Johnston this is the last active landfill in the State, it is unlined, are reservations about extending it because it is unlined. Councilor Lambert explained one of the problems had presented a plan years ago only for an extension to fund the closure. The funds have not accumulated as planned, have a shortfall, won't have enough money in 2.5 years and not enough to complete the closure. Approximately half a million dollars short. If it continues to be underfunded will have a million dollar shortfall. Question from Councilor Perry if PARE was involved with Fall River or any other landfill closures. Mr. Phies noted PARE was not involved in the Fall River one but is working with Barrington on capping 2 of their old landfills. Those have soil caps, the landfill has settled and eroded.

Councilor Pelletier requested benchmark numbers of the landfill account by the number of years, net revenue of PAYT. Director Berlucchi explained the \$6million is generated by \$417,000 in cash bag sales net, need \$9million in 2-3 years. Councilor Lambert noted the calculation could be adjusted to \$9.3 million to account for inflation. Plan to meet with Treasurer Denise Saurette, anticipate \$180,000 in interest every year. Councilor Pelletier inquired about what the next steps would look like and the future model for waste disposal. Director Berlucchi explained the Landfill Committee has discussed, Mr. Phies did a feasibility study reviewed by the Committee is leaning to direct haul versus a \$2million dollar transfer station. Still envision a recycling center at the landfill including yard waste. Resource Recovery caps the amounts to recycle, if it's over costs \$32/ton. Councilor Pelletier wanted to fully understand future models including vehicles, maintenance, personnel and the process involved, like to see as a report. Director Berlucchi expected to add an additional \$400,000 to the \$600,000 already spending to collect the rubbish and haul to Johnston. Yard waste is the bigger issue; expect the road going into the landfill to be covered in 1 year. In 2 years need to be out of there operating somewhere else, only have 1 year to get a recycling center somewhere or not. Councilor Pelletier questioned what the landfill will look like when it's closed. Mr. Phies explained it will basically be a mountain of grass covered dirt, will be a function of strict environmental controls. Councilor Sousa noted some discussion about in house grading to save money. Mr. Phies explained a conceptual final plan was developed, not all the engineering details were included with the licensing documents. Councilor Sousa suggested getting the type of materials needed for capping now before going out to bid. As far as the transfer facility, suggested an area in the Industrial Park near the power lines, down wind and accessible.

President deMedeiros noted the landfill committee was working on that aspect. Director Berlucchi added the post closure cost is estimated at \$68k per year for 30 years. Councilor Perry requested an analysis; Councilor Lambert had given the written numbers to the Town Clerk who will type into a readable format, looking to meet with Treasurer Saurette for additional numbers. Councilor Lambert added the \$168k was not always budgeted, trying to anticipate what that number would be to recommend to the Budget Committee for the next 4 years. Figured

that to be \$9.3million. Councilor Perry recalled the Treasurer did a similar analysis last year with and without the \$168k, will put together a packet for a future meeting. Councilor Lambert noted the Landfill Committee agreed PAYT will not end, if eliminated Tiverton will be the trash capital of the area. Director Berluca explained if the recycling center is located somewhere in the landfill DEM owns us, told if located elsewhere there is no permitting or licensing required. Councilor Pelletier requested a copy of the Landfill Closure Plan along with the 4 options, would like an electronic copy, could not find on the website. Director Berluca will send one to the Clerk. Administrator Wojcik questioned Director Berluca how he came up with \$700k. Director Berluca started with \$608k, added in the consumer price index, took 3200 tons multiplied by \$32 per ton times the number of estimated trips. President deMedeiros thanked both for the update.

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

**1. De Keng Zhang, Fu Li Hua Corp**

**Request Transfer/Change of Name BVL Liquor License From Fu Li Hua Corp, d/b/a Asian Gourmet Located at 1715 Stafford Road to Fu Bing Nan Corp, d/b/a Asian Gourmet, 1715 Stafford Road – Subject to Meeting All Legal Requirements**

President deMedeiros opened the Public Hearing, called for comment from the public three times, hearing none closed the public hearing. Solicitor Teitz explained this was essentially a name change of a corporation. Because it's a liquor license, had to be advertised because of a different corporate entity. Town Clerk Mello explained the packet contained additional information regarding the license transfer. They were already licensed, had to have them stop liquor sales since December until the State of RI issued a certificate of good standing. They changed the name of the corporation in the middle of the license process.

Councilor Pelletier made a motion, seconded by Councilor Perry to approve the Transfer/Change of Name BVL Liquor License from Fu Li Hua Corp., d/b/a Asian Gourmet located at 1715 Stafford Road to Fu Bing Nan Corp., d/b/a Asian Gourmet, 1715 Stafford Road subject to meeting all legal requirements. Motion passed unanimously.

**NON ADVERTISED LICENSES**

**2. Skyron Nails Inc., 1701 Stafford Rd., Suite 1 - Request Holiday License – Subject to Meeting All Legal Requirements**

Town Clerk Mello explained this is a non-advertised license, been in business several years, just seeking a Holiday license.

Councilor Pelletier motioned, seconded by Councilor Perry to approve a Holiday License for Skyron Nails Inc., 1701 Stafford Rd., Suite 1, subject to meeting all legal requirements. Motion passed unanimously.

**D-APPOINTMENTS & RESIGNATIONS:**

There was nothing for this agenda item.

**E-UNFINISHED BUSINESS:**

There was nothing for this agenda item.

**F-FINANCIAL BUSINESS:**

Administrator Wojcik requested F2 be moved out of order, taken before the Budget item, F1

Councilor Pelletier made a motion, seconded by Councilor Perry to take F2, Ratification of Amendment to Tax Collector Toni Lyn McGowan's Contract Salary Increase Effective July 1, 2014 to June 30, 2015, out of order to the current place in the agenda. Councilor Sousa recused, motion passed on a vote of 6-0-1, Councilor Sousa abstained not at Council table.

## **2. Town Administrator – Ratification of Amendment to Tax Collector Toni Lyn McGowan’s Contract Salary Increase Effective July 1, 2014 to June 30, 2015**

The Council had before them a request for a 2% increase for the part time Tax Collector, includes an impact statement. The performance evaluation review was placed in the confidential Executive Session packet. Proud to make the recommendation, public has been well served by Ms. McGowan. This contract will be coming up for renewal; have informed Ms. McGowan of the intent to offer a contract extension.

Councilor Lambert made a motion, seconded by Councilor Pelletier to Approve the Ratification of Amendment to Tax Collector Toni Lyn McGowan’s Contract Salary Increase Effective July 1, 2014 to June 30, 2015. Councilor Pelletier questioned the timing. T/A Wojcik explained there was an issue with the mailing of tax bills that was resolved in July. Was a very busy stressful time, MS. McGowan remembered it was not done at that time. Motion passed unanimously.

**Councilor Sousa returned to the Council table at this time.**

## **1. Town Administrator – Fiscal Year 2015/16 Proposed Budget**

T/A Wojcik explained this was the beginning of a long process, noted various considerations in this budget, bottom line figures. Tried to have nothing greater than a 2% increase in expenses on the municipal side, a \$395k difference from last year. Library bond debt service set at \$216k leaves \$170k, noted have negotiations with the 2 public safety departments, took \$150k for Council future needs account for flexibility to negotiate. Have not addressed the landfill closure, capital drives a lot of the expenses in the running of government. The number one priority in hearing from the people is life safety. In this year’s budget asking for an ambulance to replace Rescue 1 which has 141,000 miles. Like to be in a 5 year cycle to replace vehicles. Police Department requested 2 cruisers and other small items, a DPW backhoe, jailhouse security, life safety equipment. Non-recurring major expenses were reduced from \$162,500 to \$119,700. Intend to finance the rescue and the backhoe, one way to spread out the cost. Another major item is the Police Pension budget item, reduced that from \$800k to the \$700k minimum. Very few accounts in the budget can generate significant funds. Collective bargaining, other employee step and longevity increases and some controversy will follow. The requested \$585k from the Library, brought down to \$525 which is a \$30k increase from last year. The Town Council has expressed desire to hire a Planner, if so don’t need consultants. Cut office supply accounts by 10%, hope to consolidate other accounts. Electricity costs are going up, have been reduction in gas and diesel prices. Not part of this budget submission, hoping to put up for sale one or more town properties. Should look at bond refunding or refinancing including school bonds.

Seeking a more efficient approach to streetlight through the League of Cities and Towns, looking at phone communications, radio communications. This budget was drafted knowing it would be changed; recognize the taxpayers, costs for the Town getting more expensive. Will be hard pressed to explain and make up the \$600k taken out of the General Fund. Closing the landfill will be a significant expense. That is the kind of project the unrestricted General Fund was designed for, to not have savings at all is a significant liability. President deMedeiros noted this was in preparation of the Wednesday workshop meeting, Budget Committee knows this is work in progress. Council just received, need time to review. Last year had a series of meeting just for the budget; Council consensus was to do that again this year. President deMedeiros noted it is a joint workshop on Wednesday with the School and Budget Committees. Need a motion to send proposed budget to the Budget Committee which is fully aware this is a work in progress.

Councilor Sousa suggested looking at options for the animal shelter could consolidate with other towns. Wanted to discuss the Planner and the cut in the Police Pension. Would like to see an inventory of buildings, what they need, put a dollar amount to them. T/A Wojcik explained there is not a formal capital management program, has been started. The new maintenance director is documenting the needs. Councilor Perry noted the School department did a feasibility study, suggested the Council could do the same for Town buildings, cost approximately \$30k. Councilor Pelletier suggested doing in-house, school buildings are more complex. Councilor

Perry questioned if the liability group insurance was plugged in. T/A Wojcik estimated a 4% increase, won't expect to hear from the Trust for 6-8 weeks. The Town has experienced relative stability with the Health Savings Account, insurance, has accrued some money in a rating adjustment account should use some of that over the next several years as it will not grow any longer. Councilor Perry agreed with Councilor Sousa, need to fund the Police Pension at more than the minimum. Councilor Pelletier questioned when the next actuarial study would be ready and what the current number of the payroll contribution was from current officers. T/A Wojcik explained the Pension Board was pleased with the fund interest earned at Washington Trust, noticed hallmarks of active management. Councilor Perry suggested taking a look at the computer systems, T/A Wojcik agreed, looking to do an IT map breakdown of the Town. Councilor Sousa suggested scheduling a workshop. Councilor Pelletier noted the question on the actuarial study was not rhetorical. T/A Wojcik will look into the actuarial report, has set up a binder. The Administrator explained he took every line item, information related to the numbers, the 5 year average, last year's budget, the year to date experience and how the numbers were generated.

Councilor Pelletier noticed a large change in the Fire Department overtime going from \$425 to this year's request for \$175k, questioned the methodology. T/A Wojcik explained, bound by agreements, depends on personnel. T/A Wojcik has built a financial model. The Chief's estimate is a responsible reflection of the budget as it is currently configured. Councilor Lambert was concerned the \$168K for the landfill closure was not in the budget, looking for prudent spending. T/A Wojcik noted it should be Council policy to put items back in the budget, including the School budget at 1.6%, adding that to the proposed 2% will come just below the cap. Looking to grow the tax base to grow the revenue. Tiverton produces a higher level of services than some neighboring communities, tax rate is higher. As the policy making body, need Council input to add back items. President deMedeiros suggested continuing this discussion to a budget workshop, will go over items line by line. Councilor Sousa preferred to wait, wanted to have firmer revenue numbers. Consensus was to have a workshop on January 24 9:00 a.m. Last year did over the course of several months.

Councilor Pelletier made a motion, seconded by Councilor Perry to submit the FY 2015/16 proposed budget to the Budget Committee as a work in progress. Councilor Sousa clarified did vote to submit, motion passed unanimously.

President deMedeiros noted the item she had under Council Announcements was a Joint Meeting has been scheduled for Wednesday, January 14. The Budget Committee, School Committee and Town Council each had to post their own agenda, each has to open their own meeting. It will be held at the High School Library at 7pm.

### **NEW BUSINESS:**

#### **Councilor Sousa–Discussion and Possible Vote to Re-examine Zoning Change From Commercial to Residential**

Councilor Sousa discussed re-examining Zoning, have driven along Main and Stafford Road noting a lot of deteriorating buildings. Many buildings on Main and State roads not able to use for the intended use. Losing tax revenue because of restricted zoning on main roads. Many are pre-existing non-conforming. Stafford Road, parts of Fish Road are highway commercial. Souza Road was highway commercial until several years ago when zoning was changed. If the Town allowed commercial business in these areas it would increase the tax base. Will ask to schedule a workshop in the future. Earlier talked about farms and signs, can only have a temporary sign, looking to make it permanent. Need to change the form base code, businesses along Stafford Road; can't do what they need to do to survive, upgrade facilities. Councilor Pelletier did not disagree, Stafford Road was discussed; do not want to create legal non-conforming. Councilor Chabot noted cannot do that with form based code. Councilor Pelletier noted the Council was starting to look at this, need time. Councilor Sousa opined, can change zoning in a matter of months, Souza Road years ago was changed in less than 30 days. Requested each Councilor look at the zoning map in the packet as far as zoning property commercial. Would like to see a workshop to formally discuss changes, get it to the Planning Board, like to happen fast. Solicitor Teitz noted item L2 under Clerk

announcements is about scheduling a joint workshop with Zoning, Planning, EDC and Conservation. This would be a good place to start. Agreed with some of the concepts Councilor Sousa put forth. Souza Road was not changed in 30 days, took several months just to do the mapping. Need to run this by some of the other boards, would have to change the Comp Plan, some other changes like the signs for farm stands would be easier. Should get some priorities from the others. Councilor Sousa questioned Tax Assessor Dave Robert if the commercial tax base has increased over the last 4 years, which it has not.

### **TFD Chief Lloyd – Requesting Authorization to Contract with Woodard and Curran to Help Complete the Rewrite of Tiverton Hazard Mitigation Plan to Satisfy RIEMA and FEMA**

President deMedeiros questioned if this should go out for an RFP. Solicitor Teitz explained, did not see this until it came out with the agenda. Unless they're on the State purchase list, would have to do an RFP, does not necessarily have to be the lowest bidder. Fire Chief Robert Lloyd explained this company was on the purchase list, number 309. Chief Lloyd was accompanied by Bill Tavares, a volunteer who helps with the EMA, is deputy director, does this at no cost to the Town. Plans are required by RIEMA and FEMA, helps to get grants and reimbursements. The Hazard Mitigation Plan (HMP), done in 2005, is due for a rewrite, do not have the time. Involves a lot of public hearings. Have a \$20K grant, the Town match is \$5k, can be a soft match, meaning hours put in on the project between the T/A, Chief Lloyd, Mr. Tavares and Department Heads. Looking to get \$14,157 to get an approved plan from FEMA region 1. Ties in with the Comp Plan, for disaster relief would go back to the HMP. Will be going to the State to ask for an extension it is overdue. Chief Lloyd explained it is a road map for disaster recovery, is the Town addressing manmade or natural disasters, what is the Town planned recovery, things the Town would identify in a plan, more favorable to ask for Federal grants, helps with grant writing. T/A Wojcik explained it is identifying hazards and the steps to take to mitigate those potential hazards. Chief Lloyd handed out a potential contract, just received today. Beneficial to doing this the same time Fall River is doing theirs. Councilor Chabot requested clarification if the grant was approved in 2013 and if it was it already given. Chief Lloyd explained, has been chipping away at the HMP, is not complete. Will be asking for an extension of the grant, will be tight, have spoken preliminary, have to have an HMP. The Town will be reimbursed for the \$14,157.

Councilor Pelletier made a motion, seconded by Councilor Chabot to authorize the contract with Woodard and Curran to help complete the rewrite of the Tiverton Hazard Mitigation Plan to satisfy RIEMA and FEMA contingent upon an extension of the underlying grant through FIEMA and subject to review by the Solicitor. Motion passed unanimously.

### **H-BIDS AND REQUESTS FOR PROPOSALS:**

#### **1. DPW Director Berlucchi – Request Permission to Advertise Bids for Concrete Crushing Services**

DPW Director Berlucchi explained, have a large pile of excavated bituminous concrete from the roads that have been reconstructed. Those materials are ground up to make usable material for road paving, basins. Very cost effective, comes out of paving and drainage. In the \$12k total cost Director Berlucchi added man-hours to the \$2.94 per ton price. Councilor Sousa was concerned, should set a goal on how much should be produced per hour. Director Berlucchi noted there are 2 employees who are monitoring the crushing. Councilor Sousa wanted the bid to have a number that could be produced. Director Berlucchi explained, will get a reading from the machine, also depends on the size of the machine.

Councilor Pelletier made a motion, seconded by Councilor Perry to give permission to advertise Bids for Concrete Crushing Services. The motion passed on a vote of 5-1-1, Councilor Sousa opposed, Councilor Mello abstained, not at Council table.

**2. TFD Chief Lloyd – Request Authorization to Waive the Bid Process and Purchase a Used 2007 Ford Expedition for \$8500 From State Road Auto Sales of Westport, MA to Replace the Supervisor’s FD Vehicle That Has Engine Failure**

Chief Lloyd explained, have a 2005 vehicle that was rear ended. Rescue 1 broke down at RI Hospital. The supervisor’s vehicle, Car 3, was sent to pick up the men, barely made it there. One cylinder is totally gone. Have money in the Fire Prevention revolving account. Looking to purchase a used vehicle for \$8,500. Currently using the old Town Administrator’s car. Councilor Sousa questioned the Solicitor on waiving the bid. Solicitor Teitz explained this is a unique thing. Would need two separate motions, one to waive, one to authorize purchase. Chief Lloyd explained this would replace the black one out of Crandall Road, would use that one for replacement parts.

Councilor Pelletier made a motion, seconded by Councilor Chabot to waive the competitive bid process for the Fire Department in replacing Car 3. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Authorize the Purchase of a Used 2007 Ford Expedition for \$8500 to replace Car 3. Councilor Sousa questioned if Chief Lloyd had the DPW mechanic look at Car 3 and if it really needed to be replaced. Chief Lloyd explained, sends all vehicles to be looked at first before replacing. Motion passed unanimously.

**H-1-OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS:**

Roger Bennis, who had signed up, spoke previously about road and sidewalk problems.

**I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:**

Administrator Wojcik wanted to make clear, on page 1 of the Budget, the Library Debt Service is the net number, in the future will be the gross amount. The reimbursement from OLIS is a dedicated revenue amount. The gross reimbursement is \$525,548; the projected reimbursement is \$309,088 leaving a net of \$216,460.

1. For the landfill planning process please note the rubbish will be hauled over a great distance, will not be as efficient, may need more vehicles where the cost may go up in addition to fuel and personnel.
2. Yard waste is significant, will need to look at options.
3. Mentioned the importance of attending the Solicitor seminar on Open Meetings as seen in K3.

Councilor Perry sought clarification, would be adding one more truck to recycling delivery. Councilor Sousa discussed yard waste, looking at a composting zone in the Industrial Park.

**J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:**

Councilor Chabot announced the Arts Council reception will be January 18<sup>th</sup> from 2-4pm here at the Town Hall. Showing photos from Eleanor Warren, public is invited. For the March/April period, the Arts Council is calling all artists, theme is Scenes of Tiverton. Art work needs to be framed and wired for hanging. This will show from 3/2 to 4/30, drop off is 3/2, reception 3/15 from 2-4pm. Call Barbara Pelletier for more details.

**Councilor deMedeiros – Scheduling of Joint Meeting with Budget Committee, School Committee and Town Council per RIGL 16-2-21**

This item was discussed along with the Budget earlier in the agenda.

**K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

**1. Quitclaim Deed from Sale of Community Center**

Solicitor Teitz had provided copies of the Deed for the Sale of Judson Street. The buyer wanted to close before the end of the FY. The deed has a right of reverter meaning they have one year to demolish or get a certificate of occupancy for active use. Additional pages are the Council and FTR approvals.

## **2. McLaughlin v. Tiverton Zoning Board**

### **a. Letter to RI DEM Upon Request of Superior Court Judge**

### **b. Tiverton's Opposition to Petition for Writ of Cert – RI Supreme Court Filed Jan 8, 2015**

Solicitor Teitz noted on January 30 the Court ordered removal of the encroached portion of the building. At a status hearing on January 5 Mr. McLaughlin advised the Court he was under orders by DEM not to do anything pending soil testing. The Judge strongly suggested the Town contact DEM. In K2b, is the Town's response to the Petition for Writ of Certiorari. Councilor Peter Mello questioned if there was a time limit with DEM, if they still had a right. Solicitor Teitz explained DEM has a right to come forward at any time. Also questioned if the Town could file intervention for adjudication. Solicitor Teitz explained, the Town did not have the authority to intervene at this stage. Notifying DEM so they are aware of the Court case.

### **3. Workshop for All Boards, Commissions, Committees and Department Heads Regarding Open Meetings Act, Access to Public Records Act and Ethics Commission Laws**

Solicitor Teitz had provided an agenda for the Workshop on January 27, the notice for the website and the T/A letter that was sent to all boards and commissions. The workshop will be at Town Hall; the Solicitor will be able to provide specific answers to questions and will also be covering Ethics laws.

### **4. Memorandum Regarding Discussions With Parties in Litigation With the Town**

Solicitor Teitz explained the memo to the Council regarding discussion with parties in Litigation with the Town, reminded the Town Council speaks as a body, not individually.

### **5. Memorandum Regarding Illegal Rolling Quorums**

Solicitor Teitz memo regarding Rolling Quorums; don't use reply all. Send items to the Town Clerk to request it to be sent everybody.

An audience member thanked Solicitor Teitz for sending the letter regarding the McLaughlin matter to DEM.

Councilor Sousa questioned the T/A if the Town Hall roof was currently leaking. T/A Wojcik responded no, has been repaired in a makeshift stop gap fashion. Questioned if someone could put a bid package together. T/A Wojcik explained the Building Official could, had removed \$20k requested in order to cut the budget to 2%.

## **L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:**

### **1. Honorable Judge Richard P. D'Addario's Decision on Charter Complaint Filed by James S. O'Dell on October 2, 2014 Against Members of the Town Council Regarding Hiring of Code Enforcement Officer**

Town Clerk Nancy Mello had provided the Council with copies of the Decision regarding the Charter Complaint on the hiring of the Code Enforcement Officer.

### **2. Scheduling of Joint Workshop with Town Council, Zoning Board, Planning, Economic Development and Conservation on February 17, 2015**

Town Clerk Nancy Mello had been contacted by the above Boards, in agreement for a February 17, 2015 Joint Workshop. President deMedeiros requested items for that agenda are sent to the Clerk.

## **CLOSED EXECUTIVE SESSION:**

### **1. Town Administrator – Disposition of Real Property – 42-46-5(a) (5) - Industrial Park Proposal**

### **2. Solicitor – Potential Litigation – 42-46-5(a) (2) – Zoning Board**

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

Councilor Lambert made a motion, to enter into Closed Executive Session pursuant to RI Laws, 42-46-5(a) (5), Disposition of Real Property re: Industrial Park Proposal. Seconded by Councilor Chabot the motion passed on a vote of 6-1, Councilor Sousa opposed.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Potential Litigation - Zoning Board. 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.*

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

The Council returned to Open Session at approximately 10:55 p.m.

**OPEN SESSION:**

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

Councilor Pelletier motioned to seal the minutes of Closed Executive Session, seconded by Councilor Perry, motion passed unanimously.

**ADJOURNMENT:**

Councilor Perry motioned to adjourn, seconded by Councilor Pelletier, motion passed unanimously.

Council adjourned at approximately 11:00 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk