

**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 23rd day of March 2015 A.D. at 7:00 p.m.

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

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

Town Administrator, Matthew Wojcik and Town Solicitors Anthony DeSisto and Stephanie Federico were also present.

Council President deMedeiros introduced new Town Solicitors from the Law Offices of Anthony DeSisto, appointed one week ago. Attorney DeSisto has 30 years' experience in RI municipal law, Town Solicitor for Warren and Lincoln. Special Counsel for several other communities. Attorney Federico served as a Law Clerk for the RI Supreme Court, has decades of municipal experience. Served in the Providence Solicitor's office. Attorney Peter Skwirz has municipal experience with Planning, Zoning and criminal prosecutions. A welcome to Tiverton was followed by a round of applause. President deMedeiros thanked Attorney Andy Teitz for his service to the Town, wished him well in his future endeavors.

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.

Council President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of items CA4 and CA5. Councilor deMedeiros requested removal of items CA3a, CA3c, CA4 and CA6. Councilor Pelletier requested removal of item Ca3b.

CA3a- Correspondence-North Kingstown Town Council Resolution Opposing House Bill H-5473

President deMedeiros suggested referring this to the Labor Counsel, see if the Council might want to support. The resolution opposes all legislation that would subject the structure and/or resulting shift schedule of any municipal department to collective bargaining and thus to arbitration.

CA3c-Correspondece Jamestown Town Council Resolutions Opposing House Bill H-5257

President deMedeiros suggested referring this to the Harbor Commission, supposed to have a draft resolution. Councilor Pelletier will put on the next agenda.

Ca4-Town Treasurer Denise Saurette – Distribution of February 2015 Budget and Revenue Reports

CA6-Town Administrator –Fire Department Overtime Report for February 2015

President deMedeiros noted Fire Department overtime was \$1,905 a dramatic decrease from what it has been. Lot of contributing factors thanked the Administrator, Fire Department and all involved. This has been \$34,000, \$25k in the red, important to have fire inspections done at regular time. Will be transferring money.

CA3b- Correspondence- Jamestown Town Council Resolutions Opposing Bills H-5044, H-5173and S-559

Councilor Pelletier explained the Council has historically been opposed essentially freezes taxes on an undeveloped lot. Each municipality currently has the ability to do currently, will draft a resolution for next meeting.

CA5- Treasurer – Distribution of Management Letter Related to Financial Audit Year Ending 6/30/14

Councilor Perry noted the Management Letter related to the Audit had important recommendations, like to make sure the recommendations are being followed. Administrator Wojcik, could not speak for the Treasurer, was her responsibility. Councilor Perry suggested putting on another agenda for comments from the Treasurer.

Councilor Perry made a motion, seconded by Councilor Chabot to approve 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 Executive Session Meeting Minutes March 9, 2015
- b. Approval of Special Town Council Meeting Executive Minutes February 28, 2015
- c. Approval of Regular Town Council Meeting Minutes February 23, 2015

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

- a. Personnel Board (5)
- b. Prevention Coalition
- c. Historic Preservation Advisory Board (2)

A-3-Correspondence – Receive and File:

- c. Jamestown Town Council Resolutions Opposing House Bill H-5257
- d. RIDEM – Project Priority List Request for Projects State Fiscal Year 2016 – Referred to Town Administrator
- e. Tiverton School Committee Joint Resolution - Town Use of Atty Stephen M. Robinson
- f. Dept Housing and Urban Development to Tiverton Housing Authority Regarding Completion of Action Plan and Financial Management Review

A-7-Approval of National Library Week Proclamation

BUSINESS BROUGHT BEFORE THE COUNCIL

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

1. Joseph Bossom – Wind Turbine Noise Issues

Mr. Bossom brought to the Council's attention the development known as Sandywoods Farm which has a 2 blade windmill. When the wind is 12 knots or higher Mr. Bossom has to put earplugs in, aware it yields a profit, should not be in a residential area. Imposed and approved by the State, makes sense in a larger open space area. Skirts Town regulations, is a profit making enterprise, bringing to the Council's attention, request a stand on windmills. Councilor Sousa recalled in 2010 the Council passed a moratorium on wind energy, referred to the Planning Board, has not come back to the Council for an ordinance.

2. Michael Turner – Building a Dog Park in Tiverton

Mr. Turner had spoken to Barbara Pelletier about building a Dog Park, collected over 300 signatures in this regard. Did not know the possibilities of the best location, just trying to get one built. Barbara Pelletier has raised some money, would need continued maintenance and liability insurance. President deMedeiros suggested finding the right place first. Mrs. Pelletier was willing to work with Mr. Turner. Councilor Sousa suggested getting a volunteer group together like the one that built the Skate Park at Bulgarmarsh Park, suggested looking at the Town Farm area. Need to get citizens involved, would be willing to place on the agenda when ready. President deMedeiros noted a location was needed first, insurance could be a huge deal, also suggested contacting the Recreation Commission.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

ADVERTISED PUBLIC HEARING LICENSES

1. David T. Gorman-Sakonnet River Grille, LLC d/b/a Sakonnet River Grille, 524 Main Road

a.Request for BV Liquor License – Subject to Meeting All Legal Requirements

b.Recommendation of Building/Zoning Official

David Gorman and James Gorman appeared before the Council for the BV Liquor License request. Mr. Gorman explained this was the former Bistro 524, will be a contemporary restaurant. Town Clerk Mello explained, a couple of things still pending, license is subject to meeting all legal requirements. Mr. Gorman wanted to make sure there were no objections to this license before proceeding any further. Fire Chief Robert Lloyd explained it would be subject to the Fire Marshall's inspection.

President deMedeiros called for comment from the public three times, hearing none closed the Public Hearing.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Approve the BV Liquor License, subject to meeting all legal requirements, for Sakonnet River Grille, LLC d/b/a Sakonnet River Grille, 524 Main Road subject to including Fire Marshall Inspection. Motion passed unanimously.

NON ADVERTISED LICENSES

2.David T. Gorman – Sakonnet River Grille, LLC d/b/a Sakonnet River Grille , 524 Main Road – Request for a Victualling License – Subject to Meeting All Legal Requirements

There were no comments on the request for a Victualling License.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve a Victualling License for Sakonnet River Grille, LLC d/b/a Sakonnet River Grille, 524 Main Road subject to meeting all legal requirements including Fire Marshall Inspection. Motion passed unanimously.

3. Wen Yi Shi, d/b/a New China Gourmet, 180 Main Road – Request for a Victualling License – Subject to Meeting All Legal Requirements

Town Clerk Mello explained this is being taken over by a new owner. The previous owner changed the name to a corporation, this is a new owner. The Department of Health will need to issue an approval.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve a Victualling License to Wen Yi Shi, d/b/a New China Gourmet, 180 Main Road subject to meeting all legal requirements. Motion passed unanimously.

4. Robert Vital, East Coast Wholesale – Request to Sell Fireworks Under a Tent at 1560 Bulgarmarsh Road from April 1 through November 30, 2015- Subject to Meeting All Legal Requirements

Mr. Vital explained did this last year at the Flea Market, Town Clerk Mello confirmed with Chief Lloyd. Chief explained Mr. Vital cannot get a permit for the tent yet, will inspect once it's up, had plans, same as last year.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the request to Sell Fireworks, a Fireworks License, under a tent at 1560 Bulgarmarsh Road from April 1 through November 30, 2015 subject to meeting all legal requirements. Motion passed unanimously.

Councilor Pelletier was working with the Town Clerk on a policy document for licensing, a worksheet and a checklist, a structure for what is required. Town Clerk Mello noted Solicitor Federico offered to help, well versed in licensing.

D-APPOINTMENTS & RESIGNATIONS:

1. Resignation of Jan Bergandy from Tiverton School Committee – Effective March 2, 2015

Councilor deMedeiros made a motion seconded by Councilor Perry to Accept with regret and thanks for service has done good work, great loss to the community. The motion passed on a vote of 6-1, Councilor Sousa opposed, did not want to see Mr. Bergandy resign.

E-UNFINISHED BUSINESS:

There were no items for Unfinished Business on this agenda.

F-FINANCIAL BUSINESS:

1. Councilor deMedeiros – Update on FY 2015/16 Budget

President deMedeiros has requested the Budget on every agenda in order to provide updates. T/A Wojcik explained last year had a large surplus, this year's budget trying to keep head above water, not necessarily from Fire Department overtime. This is a very tight budget, snowiest winter on record, covering expenses as best as possible. Councilor Perry went to the Budget Committee meeting on Thursday, they had some changes. Put back \$15k for a hotbox, \$2k for an Assistant Harbormaster. They also added \$10k to the Planning Department. Jim O'Dell explained the Budget Committee cut \$70k from Rubbish Collection.

2. Steve Hughes, Chairman Planning Board – Planning Board Funds

Town Clerk Mello noted Chairman Hughes was unable to attend this meeting. T/A Wojcik explained accounts were identified that had substantial balances, did not mean they would be transferred. Chairman Hughes was concerned about having enough money left for the Comprehensive Plan Update process.

3. Town Administrator–Request Transfer of Funds to Cover Snow Storms–List Attached Totaling \$65,052

Administrator Wojcik explained the funds were frozen in the DPW accounts, between Director Berlucchi, T/A Wojcik and Treasurer Denise Saurette a list of accounts were put together to cover through March 2015. The remaining balances in the listed DPW accounts were from long term vacancies, not filling the seasonal maintenance employee as well. Recreation accounts had funds left from the beach closures; left enough to cover from May to the end of June. Councilor Sousa questioned having funds for pothole repairs. Director Berlucchi will need more funds due to last Saturday's storm and for salt deliveries. Set aside \$10-12K for pothole repair, major problems with roads beyond the potholes.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the request to Transfer Funds to cover snow storms totaling \$65, 052 from the aforementioned accounts to various DPW accounts. Motion passed unanimously.

4. Town Administrator – Request Transfer of Funds to Reimburse DPW for Expenses Related to Gazebo Installation at Bulgarmarsh Park – From Acct #8790-5181 (Beaches) to Acct #5540-6795 (DPW Drainage) for \$7,963.91

Administrator Wojcik explained this was for the Gazebo at Bulgarmarsh Park, not enough funds raised initially to cover installation. Had help from various departments. Director Berlucchi explained costs were for the crane rental, the concrete pad, the contractor and reinforcement materials, not for labor or equipment. Any funds left over will go to pothole repairs.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Transfer of Funds to Reimburse DPW for Expensed Related to Gazebo Installation at Bulgarmarsh Park from Acct #8790-5181 (Beaches) to Acct #5540-6795 (DPW Drainage) for \$7,963.91. Motion passed unanimously.

G-NEW BUSINESS:

1. Town Administrator – Request Council Approval to Renew Terms of the Contract Between Town of Tiverton and Ronald Helger d/b/a Helger's Landscape (for One Year)

Administrator Wojcik explained it was the Town's option to renew for 2 successive years. The Cemetery Superintendent maintains the grounds, opens and closes the graves. The fees have not been altered for the Superintendent for 3 years, suggested they will go up. The Cemetery Commission was comfortable recommending renewal, never a complaint with his service provided at the Cemetery, suggest renewal for one year. T/A Wojcik noted Mr. Helger has been working under the existing terms of the contract.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Renewal of the Contract between the Town of Tiverton and Ronald Helger, d/b/a Helger's Landscaping for the First Year Option effective May 1, 2015 subject to the contract. Motion passed unanimously.

2. Process of Appointing Vacancy to School Committee

a.Memorandum from Town Solicitor Regarding Term of New Appointee

President deMedeiros explained it was the Council's duty to appoint someone to the School Committee (SC) until the next General Election November 2016. At that time 3 SC members will be up for election. Suggest getting an ad out as soon as possible, SC working with 4 members, next regular Council meeting is April 13. Town Clerk Mello will get an ad out for this Thursday's Sakonnet Times, similar to the recent one for the Budget Committee vacancy. Will advertise to get applications in by April 9, put on the April 13 agenda.

3. Timothy T. More, Attorney for Tiverton Four Corners Properties LLC – Request to Schedule a Public Hearing to Amend Zoning Ordinance to Allow Shared Parking in a Village Commercial Zone Under Article X, Section 1.e – Referred to Planning Board

4. Councilor deMedeiros - Refer to Planning Board

Review Zoning Ordinance With Respect to Village Commercial Zone

a.Outdoor Events and Accessory Events

b.Article X, Section 1.e Shared Parking

C.Environmental Review Statement Requirements In Watershed Protection Overlay Zone

d.Review Zoning Ordinance Article VII, Section 4 & 5 of the Code Regarding Authorization of Simultaneous Dimensional Variance and Special Use Permit

President deMedeiros explained, this item in conjunction with G4, refers to altering zoning ordinance amendments for this area. Some things being done are not permitted should be reviewed by the Planning Board (PB) first, will come back with a recommendation. Councilor Sousa disagreed, still waiting for a recommendation on windmills, businesses need help now, not willing to refer this to the PB; feels Council is shirking responsibility. President deMedeiros noted the Council was not shirking, have always referred to the PB. Councilor Pelletier agreed, at the very least have referred to the PB for a recommendation and opinion. President deMedeiros suggested setting a date for the recommendation to be returned to the Council, the end of May or beginning of June. Councilor Pelletier suggested a meeting just for these items. President deMedeiros suggested June 1, priority for this item, have PB look at the other items. Mr. More understood, explained have an application before the Zoning Board to permit a special event (President deMedeiros noted this was already going on), was put on hold as the Solicitor at the time, Andy Teitz advised the ZB they could not hear a special permit and a zoning variance at the same time, cited State Law and the Town zoning ordinance. The change is to allow for shared use parking and provide for more than adequate parking. President deMedeiros noted the request will be for the PB to come back with a recommendation for June 1.

Councilor Pelletier made a motion, seconded by Councilor Sousa to refer this item along with the items in G4to the Planning Board with urgency on item G3 as priority and to schedule a Public Hearing on June 1, with at the very least need an opinion on Shared Parking. Councilor Pelletier noted on the second item relative to the variance and dimensional use permit the EDC several years ago requested that to be amended, after much discussion the Council concluded it was not necessary. Councilor Sousa noted on March 2, John Pagliarini explained that issue in a letter to the Council. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Schedule a Public Hearing on June 1, 2015 at 7pm in the Council Chambers as a Special Meeting. Motion passed unanimously.

5. Councilor Pelletier – Request Unsealing Executive Session Minutes of March 18, 2015

Councilor Pelletier requested unsealing the Executive Session (EX) minutes from Wednesday, March 18, 2015 that was held last week, no exclusion under 42-46-5 that protected Council in EX. Thought it should be in public, after sitting through the meeting found that to be the case. President deMedeiros did check with the attorney at the time, was a personnel matter, talked about employee references from the private sector. Did the same for the

T/A in talking about candidates, have done this in the past. Councilor Pelletier noted the distinction to be the T/A was a potential employee. Councilor Pelletier questioned the provision and if written notice was given. President deMedeiros noted, was advised to go into EX. Councilor Pelletier read from 42-46-5 (1) - Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting. President deMedeiros noted Councilor Pelletier should have objected before voting no. Councilor Sousa motioned to forward this item to the Town Solicitor for the next meeting. There was no second for this motion.

Councilor Pelletier again questioned if written notice was given. Councilor Lambert was not sure the Council had to give written notice, relied on attorney advice, at this point should not make public. Councilor Peter Mello agreed, Councilor Chabot commented no vote was taken in EX, came out of EX and did a public vote on all three Solicitors. Councilor Pelletier agreed but a substantial portion happened in EX away from the public. Councilor Perry called to move the vote.

Councilor Perry motioned to move the vote to unseal the minutes, Council President deMedeiros seconded the motion. Town Clerk Mello explained the earlier motion by Councilor Sousa did not have a second, the Council is now voting on the motion by Councilor Perry to move the vote. The motion to move passed on a vote of 6-1, Councilor Pelletier opposed.

Councilor Pelletier motioned to refer this item to the Solicitor for the next meeting. The motion, seconded by Councilor Sousa failed on a vote of 2-5, Councilors Perry, P. Mello, Lambert, deMedeiros and Chabot opposed.

6. Councilor Pelletier – Request Administrator and Treasurer to Update Council on Current Operations and Performance of the Police Pension Fund

Councilor Pelletier had sent a memo to the Clerk, requesting an update on the current operating performance of the Police Pension Fund. Had some questions during the audit, forwarded to the T/A for review. T/A Wojcik explained the Board met last week, discussed the report from Washington Trust and mentioned updating status of the fund. Had a very good quarter, in 2014 the fund grew 6.3% based on the investment activities. In comparison the DOW was up 10%. Compared to the State at 4.5%, this fund is doing better than the rest of the marketplace. Asked the actuary to update the report, expect an opinion soon. Need to find out from the actuary the percentage the fund is at.

7. Joint Resolution With School Committee Relating to Foundation Level School Support

Councilor Perry read the Joint Resolution relating to reimbursement for school housing aid ratio. Sally Black, School Committee Chair has been trying for several years to get 40% for all schools. Would get \$216K per year for the next 10 years, is a matter of equity, better for the School and the Town.

Councilor Perry made a motion, seconded by Councilor Pelletier to Approve the Joint Resolution with the Tiverton Town Council and the Tiverton School Committee regarding House Bill 5082 and send the Resolution to State Representatives Edwards and Canario, State Senators Felag, DiPalma and Ottiano and to Governor Raimondo. The motion passed on a vote of 6-1, Councilor Sousa opposed.

Joint Resolution attached at end of minutes.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Recreation Commission - Request Council Approval of Kayak Vendor to Osprey Sea Kayak Adventures, Inc of Westport, MA

Councilor Pelletier questioned if the Council could approve a contract for this item. Susan Gill, Recreation Commission explained this was for rentals of Kayaks at Fogland Beach. Solicitor DeSisto opined the Council could approve.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Contract with Osprey Sea Kayak Adventures, Inc of Westport, MA. Motion passed unanimously.

2. DPW Director Stephen Berlucchi – Recommendation of DPW Director to Reject All Bids for Concrete Crusher Services Due to Lack of Funds

DPW Director Berlucchi explained, went out to bid prior to the many storms; all funds being directed to the snow and ice budget. Have a stockpile will need to double up next season.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Authorize the DPW Director to Reject All Bids for Concrete Crusher Services due to lack of funds. Motion passed unanimously.

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

Barbara Pelletier discussed promoting tourism, created a photo questionnaire of various Town locations, looking for prize donations for those who answer all correctly. Thanked the Council for going forward with a new legal counsel, questioned if the opinion by the former Solicitor at a recent Zoning Board meeting will be reconsidered was not requested by the Board. President deMedeiros noted it will be referred to Solicitor DeSisto under item K1. Jim O'Dell discussed the Library Budget impact regarding reimbursement. Spoke with the State OLIS Director, not getting reimbursement until FY 16. Gave the Town Clerk information. President deMedeiros suggested giving that to the T/A to further investigate.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

Administrator Wojcik appreciated Mr. O'Dell's research regarding the Library budget, for this FY the goal is to get a certificate of occupancy then get through the audit process of filing for reimbursement. The budget is an accurate presentation but will look into this matter. DEM will hold a public informational meeting March 31 at 4pm on well water and drinking water reservoirs.

Approval of Resolutions for FTR

a.Resolution to Set Aside in Restricted Account Up to 25% of Proceeds From the Sale of Lots in Tiverton Industrial Park

Administrator Wojcik explained this had been discussed at Council budget meetings that there should be a policy of the Town to develop a reserve. Solicitor DeSisto noted the language was broad enough in Charter Section 1214 to set aside funds, not explicit. Councilor Pelletier supported putting a foot note on the docket; President deMedeiros noted it could be explained at the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Resolution for the FTR as drafted. Motion passed unanimously.

The adopted Resolution was as follows:

RESOLVED, that with regard to the sale of any one or group of parcels within the Tiverton Industrial Park, up to and including the entire Industrial Park, no less than 25% of the proceeds from each sale shall be set aside in a restricted account used solely for the purpose of developing the Park, including but not limited to providing a Town financial match for federal or State grants, development of infrastructure such as utilities or roads, or the professional engineering costs associated with such activities.

Councilor Pelletier requested some information backup to the Resolution at the public hearing.

b.Resolution Authorizing Town Council to Sell or Enter Lease for Municipal Properties

Administrator Wojcik explained, this has been done in the past, about 5 years ago this included Town properties not listed here, leaves options open. Councilor Sousa questioned if the new Solicitor was familiar with the Essex library situation. T/A Wojcik and President deMedeiros have met with the new Solicitor to bring them up to date. T/A Wojcik reminded about the budget, tapping into reserves, sacrificing capital projects. Do not have the luxury of keeping assets underutilized. Councilor Pelletier noted, gives the Town flexibility, initially prompted by the

Bridgeport Road parcel. The Town has lots of parcels, some not productive, though not all are specifically enumerated. President deMedeiros explained there was no interest in the properties at this time.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Resolution Authorizing Town Council to Sell or Enter Lease for Municipal Properties. Motion passed unanimously.

The Adopted Resolution was as follows:

RESOLVED, that pursuant to Section 204 of the Town Charter, the Town Council is hereby authorized to sell, or enter into a lease exceeding 10 years in duration for the use of , the following municipal properties: the Essex Public Library at 238 Highland Road (lot 307-139), the Tiverton Police Station and Public Works Garage at 20-50 Industrial Way (lot 109-102) and the three Tiverton Fire Department stations located at 287 East Road (lot 901-111), 45 Crandall Road (lot 513-122), and 85 Main Road (lot 101-113), provided that, in the event the Council wishes to sell any one, several or all of the properties, it shall implement a competitive sealed bid auction process to arrive at the sale price.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Sousa referencing the January 22 Building Improvement report requested an update from the T/A, wanted to know dollar amounts, may help with arbitration.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Memorandum Regarding Application of Four Corners Properties LLC, March 4, 2015 Zoning Board Meeting, Environmental Review Statement Thresholds for Special Permit Uses Located in the Watershed Protection Overlay District – Including Copy of Ordinance - Article VIII

President deMedeiros explained this memo was from the former Town Solicitor would be referred to Solicitor DeSisto for review and an opinion.

2. Memorandum Regarding Tiverton Open Space & Land Preservation Commission – Open Meetings Act Requirements for Site Visits

President deMedeiros noted this memo from the former Solicitor regarding Open Meetings Act requirement for site visits would be received and filed.

3. Memorandum Regarding Tiverton Harbor & Coastal Waters Management Commission – Ethics Commission Financial Disclosure

President deMedeiros explained this was similar to the previous item, will be received and filed.

4. Revised Peddlers and Hawkers Proposed Ordinance Amendment, Language Revised Per Direction of Town Council, Scheduled for Public Hearing April 13

President deMedeiros explained this proposed ordinance amendment regarding Peddlers and Hawkers will be referred to Solicitor DeSisto for changes and recommendations.

5. Amendment to Ordinance Chapter 30, Courts - Article II - Regarding Municipal Court Regulations– Schedule Public Hearing April 27

President deMedeiros explained this came out of the Land Use Improvements Committee (LUPI), was referred to Solicitor DeSisto for scheduling a public hearing on April 27.

Councilor Sousa made a motion, seconded by Councilor Pelletier to schedule a Public Hearing April 27 on the proposed Amendment to Ordinance Chapter 30, Courts – Article II – Regarding Municipal Court Regulations. Councilor Pelletier explained trying to reclassify the way Municipal Court deals with land use violations, currently acknowledged as a criminal offense for what are really civic offenses. T/A Wojcik explained a zoning violation is treated as a criminal matter, is a question of whether the individual is entitled to a defense, what is the purpose of enforcing the zoning code, compliance or punishment. The LUPI committee is aiming for

compliance; the Municipal Court Judge has reviewed. Councilor Pelletier explained the benefit sets a clear path for an individual, if there is a violation most are dimensional or a zoning violation. Motion passed unanimously

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello explained the important dates for the Financial Town Referendum (FTR) were on the website. Placed two ads recently, deadline to register to vote for the FTR is April 16. The FTR Hearing is April 30 at the High School Auditorium at 7pm. Absentee ballot applications are available at the Town Hall and on the website. President deMedeiros noted it was important for people to attend the hearing to listen about each budget.

CLOSED EXECUTIVE SESSION:

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

2.Solicitor DeSisto – Litigation – 42-46-5(a)(2) – City of Cranston Police Officers v. Lincoln D. Chafee, in His Capacity as Governor of the State of Rhode Island, C.A. No. PC-12-3169 (Pension Litigation)

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (5) – Disposition of Real Property - Industrial Park Proposal. On a roll call vote the 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) – City of Cranston Police Officers v. Lincoln D. Chafee, in His Capacity as Governor of the State of Rhode Island, C.A. No. PC-12-3169 (Pension Litigation). On a roll call vote the motion passed unanimously.

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

The Council returned to Open Session at approximately 11:10 p.m.

OPEN SESSION:

In Open Session President deMedeiros announced no action was taken in Closed Executive Session on Item #1 - Disposition of Real Property - Industrial Park Proposal.

On item #2 Councilor Pelletier motioned the Solicitor continue with the listed case of City of Cranston Police Officers v. Lincoln D. Chafee in His capacity as Governor of the State of Rhode Island, CV.A.No.PC-12-3169 (Pension Litigation) along the lines discussed in Executive Session. Seconded by Councilor Perry, motion passed 5-2, Councilors Mello and Sousa opposed.

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

ADJOURNMENT:

Councilor Perry motioned to adjourn, seconded by Councilor deMedeiros, passed unanimously. Council adjourned at approximately 11:15 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

TOWN OF TIVERTON

**JOINT RESOLUTION OF THE TIVERTON TOWN COUNCIL
AND THE TIVERTON SCHOOL COMMITTEE**

JOINT RESOLUTION SUPPORTING REPRESENTATIVE EDWARDS AND REPRESENTATIVE CANARIO HOUSE
BILL -5082

WHEREAS: The Town of Tiverton did have bonds issued to build a new elementary school and place additions on two other elementary schools; and revocations and additions to the high school totalling over thirty four million dollars; and

WHEREAS: the computation of school housing aid ratio allow for no less than forty percent to projects approved by the board of regents prior to June 30, 2012; and

WHEREAS: H-5082 was Introduced by Representatives Edwards and Canario and relates to the computation of school housing aid ratio; and

WEHEREAS: H-5082 would provide for the Town of Tiverton to be prospectively reimbursed at the forty percent (40%) floor on the housing aid share ration on projects completed before June 30, 2010; and

NOW THEREFORE BE IT RESOLVED: That the Tiverton Town Council and the Tiverton School Department respectfully requests the Rhode Island General Assembly to support H-5082.

BE IT FURTHER RESOLVED: That a copy of this Resolution be forwarded to our local State Representatives John G. Edwards and Dennis M. Canario, State Senators Walter S. Felag, Jr., Louis P. DiPalma, and Christopher Ottiano and Governor Gina Raimondo requesting their support for passage of this bill.

PASSED AND APPROVED THIS 23RD DAY OF MARCH 2015.

APPROVED: _____
Denise deMedeiros, Town Council President

PASSED AND APPROVED THIS 25TH DAY OF MARCH 2015

APPROVED: _____
Sally A. Black, Tiverton School Committee Chair

ATTEST: _____
Nancy L. Mello, Town Clerk