

**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 22nd day of June 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	David Perry
	Joseph R. Sousa		

Town Administrator, Matthew Wojcik and Town Solicitor and Stephanie Federico 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.

Council President deMedeiros read the items on the Consent Agenda. There were no removals.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve the Consent Agenda. Motion passed unanimously.

Solicitor Federico explained the State legislature is working under the 48 hour rule for notices of hearings, expect everything to be wrapped up on Wednesday.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Executive Session Meeting Minutes June 8, 2015
- b. Approval of Open Session Special Council Meeting Minutes June 15, 2015
- c. Approval of Executive Session of Special Meeting Minutes June 15, 2015

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

- a. Library Board of Trustees
- b. Cemetery Commission (2)
- c. Prevention Coalition
- d. Economic Development Commission

A-3-Correspondence – Receive and File:

- a. Charlestown Resolution Objecting to Overreaching State Regulation on Right to Farm–H6100-A
- b. Smithfield Public Schools Resolution Relating to Gun Free Schools
- c. East Greenwich Resolution Requesting RI General Assembly Support Legislative Initiatives to Allow Local Municipalities Flexibility to Determine Whether or Not to Hold School on Primary Day, Election Day or Columbus Day
- d. Town of East Greenwich Opposing H 6100 Sub A Relating to State Regulation of Right to Farm
- e. Town of Exeter Resolution Opposing H-6100 & H-6100 Sub A Relating to Agriculture and Forestry-Right to Farm

A-4-Treasurer Denise Saurette – May Budget and Revenue Reports

BUSINESS BROUGHT BEFORE THE COUNCIL

PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

PUBLIC PRESENTATION

1. Deb Pallasch – Brief Update on Celebrate Tiverton Events July 24-26th - Request Approval to Hold Celebrate Tiverton Festival - Subject to Recreation Committee Approval and All Necessary Permits

Ms. Pallasch explained the festival would be similar to last year, would be from Friday to Sunday. Linda Larsen noted the request included all the beaches, not sure at the time if Grinnell's would be open. Ms. Pallasch met with the Administrator and Chief Blakey as well. Solicitor Federico clarified the Council is approving the request to hold the festival and necessary permits; approval of the entertainment license is specifically through the Town Clerk.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve Hold Celebrate Tiverton Festival - Subject to Recreation Committee Approval and All Necessary Permits and Public Safety approval. Motion passed unanimously.

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

1. Riptides Sports Grille, Inc., 1 Bay Street, Tiverton, RI - Request Approval of BV (Full) Liquor License - Subject to Meeting All Legal Requirements – Continued to July 27

President deMedeiros noted not everything had been done for this license.

Councilor Pelletier made a motion, seconded by Councilor Perry to continue to July 27 the request from Riptides Sports Grille, Inc., 1 Bay Street, Tiverton, RI for Approval of BV (Full) Liquor License - Subject to Meeting All Legal Requirements. Motion passed unanimously.

2. Public Hearing Noise Ordinance St. Theresa Church, 265 Stafford Road – Public Hearing for Sound Variance (Live Bands) and Special Event/Outdoor Entertainment License For Event to Take Place On Friday July 31st 5pm to 10 pm, Saturday August 1st 12 to 10pm and Sunday August 2nd From 12 to 6pm

Jean Cameron appeared before the Council to answer any questions, seeking approval for the annual feast. President deMedeiros called for comment from the public three times. Police Chief Thomas Blakey noted this was held annually have not had problems. Police officers will be on site.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve, subject to meeting all legal requirements, the Noise Ordinance and Sound Variance for St. Theresa Church, 265 Stafford Road for Special Event/Outdoor Entertainment License For Event to Take Place On Friday July 31st From 5pm to 10 pm, Saturday August 1st From Noon to 10pm and Sunday August 2nd From Noon to 6pm. Motion passed unanimously.

NON ADVERTISED LICENSES

3. St. Theresa Church, 265 Stafford Road

a. Request Victualling License – Subject To Meeting All Legal Requirements

b. Request F License (Beer and Wine) – Subject To Meeting All Legal Requirements

Mrs. Cameron explained there were no problems last year.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Victualling License for St. Theresa Church, 265 Stafford Road and the Class F License (Beer and Wine) for July 31, August 1 and August 2 subject to meeting all legal requirements.

4. George Alzaibak, SGA, Inc. 1215 Stafford Road – Request Petroleum Storage License 2014 – Completed October 2014 – Not Placed on Agenda for Council Approval

Town Clerk Nancy Mello explained for this particular license, the Council had the entire backup at the time. This name did not make its way onto the list for some reason. At the time there was a change of licensing clerks.

Councilor Pelletier made a motion, seconded by Councilor Lambert to Approve the license renewal application for Petroleum Storage for George Alzaibak, SGA, Inc. 1215 Stafford Road subject to meeting all legal requirements. Motion passed unanimously.

5. Dolgen Rhode Island LLC - Dollar General #15751, 567 Main Road – Request Firework License Subject To Meeting All Legal Requirements

Town Clerk Mello explained, brought to the Clerk's attention by the Fire Marshal. They were selling fireworks without a permit, told to stop until a license was approved. Chief Lloyd explained the stores can hold only so much stock inside. If it is stored in a container then it's a building official responsibility, to get around it they put it in a truck, becomes a DOT matter.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve a Firework License for Dolgen Rhode Island LLC - Dollar General #15751, 567 Main Road Firework License Subject To Meeting All Legal Requirements. Motion passed on a vote of 6-1, Councilor Pelletier opposed, have too many fireworks licenses.

D-APPOINTMENTS & RESIGNATIONS:

1. Tiverton Housing Authority - Resignation of Nancy Snow as of June 30th

Councilor Perry made a motion, seconded by Councilor Sousa to accept the Resignation of Nancy Snow with regret. Motion passed unanimously.

2. Personnel Board - Resignation of Deborah A. Dupont as of June 30th

President deMedeiros appreciated Ms. Dupont's 12 years of service, thanked her for those years of service.

Councilor Perry made a motion, seconded by Councilor Sousa to accept with regret the Resignation of Deborah A. Dupont from the Personnel Board. Called Ms. Dupont an outstanding candidate. Motion passed unanimously.

3. Open Space Commission – 3 Year Term to 4/15/2018

John Philip Schuyler, 84 South Avenue – Requests Re-Appointment

Mr. Schulyer was unable to attend this meeting.

Councilor Pelletier made a motion, seconded by Councilor Perry to Reappoint John Philip Schuyler, to a 3 year term to 4/15/2018 to the Open Space Commission. Motion passed unanimously.

4. Tree Commission – 4 Year Term to 4/15/2019

Peter M. Moniz, 83 Captain's Circle – Requests Re-Appointment

Mr. Moniz has been on the Tree Commission for 12 years, has planted thousands of trees. Currently helping with the library, looked for volunteers to help with watering the plants.

Councilor Perry made a motion, seconded by Councilor Pelletier to Reappoint Peter Moniz to the Tree Commission for a 4 year term to 4/15/2019. Motion passed unanimously.

E-UNFINISHED BUSINESS:

There were no items for Unfinished Business.

FINANCIAL BUSINESS:

1. Chief Blakey Request for Transfers

a. From Acct# 3330-5107 (Holiday) \$21,925.88

From Acct# 3330-5102 (AFSME Salary) \$4,154.12

To Acct# 3330-6648 (Vehicle Laptops and Equipment) for \$26,080.00

Chief Blakey explained laptops have been put in cruisers effective June 8, have to be able to issue wireless citations except for the printout receipt given the operator to be in compliance with the State.

Councilor Perry made a motion, seconded by Councilor Sousa to Authorize the Transfer from Acct# 3330-5107 (Holiday) \$21,925.88 and from Acct# 3330-5102 (AFSME Salary) \$4,154.12 to Acct# 3330-6648 (Vehicle Laptops and Equipment) for \$26,080.00. Councilor Sousa questioned if on the State bid list, Chief affirmed. Motion passed unanimously.

b. From Acct# 3330-5102 (AFSME Salary) \$16,065.00

To Acct# 3330-5168 (Ballistic Vest Carriers)

Chief Blakey explained money was within department budget. Vests have a shelf life of 3-5 years. Replacing 18 vests, custom fitted, used every day, required to be worn by uniform officers on duty.

Councilor Perry made a motion, seconded by Councilor Sousa to Authorize the Transfer from Acct# 3330-5102 (AFSME Salary) \$16,065.00 to Acct# 3330-5168 (Ballistic Vest Carriers). Councilor Sousa had the same question, Chief Blakey affirmed the vendor also on the State bid list. Motion passed unanimously.

2. Town Clerk Request for Transfer \$4,350 from Acct#1010-6954 (Clerk's Advertising/Ordinances) to Acct# 1020-6954 (Council Advertising/Ordinances)

Town Clerk Mello explained was just to clean up some advertising accounts. Discussed during the budget process ordinances should be under Council advertising. Making sure it comes out of the right account.

Councilor Perry made a motion, seconded by Councilor Pelletier to Authorize the Transfer \$4,350 from Acct#1010-6954 (Clerk's Advertising/Ordinances) to Acct# 1020-6954 (Council Advertising/Ordinances). Motion passed unanimously.

3. Town Administrator - Request for Transfer \$7,000.00 from Acct#1060-5102 (Building Office/Staff Salaries to Acct# 1060-5100 (Building Office/Department Management)

Administrator Wojcik explained there was a budget line item for \$10k for a part time clerk. It was determined the Building Officials contract would be \$65k, had used some of the money to pay a part time Building Official. Still have to pay the Building Official's salary.

Councilor Perry made a motion, seconded by Councilor Pelletier to Transfer from Acct#1060-5102 (Building Office/Staff Salaries) to Acct# 1060-5100 (Building Office/Department Management). Motion passed unanimously.

4. DPW Director Steve Berlucchi – Request for Transfers

a. From Acct# 5540-6795 (Drainage) \$13,000.00

From Acct# 5540-7611 (Gas, Oil & Diesel) \$8,000.00

To Acct# 5540-6442 (Backhoe/Lease) for \$21,000.00

DPW Director Steve Berlucchi explained last summer the backhoe failed, had to find a way to get one on lease. Have to pay the bill for the rest of this year, on July 1 will pick up the option to purchase.

Councilor Perry made a motion, seconded by Councilor Pelletier to approve the Transfer from Acct# 5540-6795 (Drainage) \$13,000.00 and from Acct# 5540-7611 (Gas, Oil & Diesel) \$8,000.00 to Acct# 5540-6442 (Backhoe/Lease) for \$21,000.00. Motion passed unanimously.

b. From Acct# 5530-6813 (Stormwater) for \$5,256.60 To Acct# 5530-7139 (Engineering Test)

DPW Director Berlucchi explained the Stormwater account for ESS Consulting needed additional funds until the end of the FY due to a lot more on the Robert Gray area. The plan at the time was to purchase a camera, was approved. The camera funds were cut out of the budget. For the landfill had to do extra well monitoring for the application on the height increase, the Administrator is checking to see if possible.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve the Transfer from Acct# 5530-6813 (Stormwater) for \$5,256.60 to Acct# 5530-7139 (Engineering Test). Motion passed unanimously.

G-NEW BUSINESS:

1. Councilor Perry – Vote to Authorize Town Administrator to Transfer Any Funds Above \$500 in Any Line Item in the Budget at the End of Fiscal Year to Paving Account #5540-6794

Councilor Perry requested authorization for the T/A to transfer any funds left at the end of the FY after all bills have been paid, may not happen until July or August. Would like those funds to go into a paving account to get the streets paved. Treasurer Denise Saurette reminded this would not include capital or non-recurring accounts. Does not include encumbrances or salary accounts. President deMedeiros supported this; Councilor Pelletier questioned why a \$500 threshold and what the figure would be going into the paving account. Treasurer Saurette explained it would all be going back into the General Fund but be restricted to paving. Last year's approximately \$16k went into paving. Director Berlucchi had a list of streets ready to pave, costs \$250k per mile to pave a road.

Councilor Perry made a motion, seconded by Councilor Lambert to Authorize Town Administrator to Transfer any Funds above \$500 in any Line Item in the Budget at the end of Fiscal Year to Paving Account #5540-6794. Motion passed unanimously.

2. Town Administrator – Request Ratification of 3 Year Contract for Senior Center Director Janice Gomes

Administrator Wojcik commented on the fantastic job Ms. Gomes does at the Senior Center. Ms. Gomes has EMA credentials, oversees projects in the building, and accommodates committee meetings in that building faced a number of challenges. Works with local members of Congress, State and local representatives as well. Request Council ratification of a three year contract. Ms. Gomes enjoyed her job and working with the people in the community.

Councilor Lambert made a motion, seconded by Councilor Chabot to Approve the Ratification of a 3 Year Contract for Senior Center Director Janice Gomes per the attachment to agenda item G2. Motion passed unanimously.

Councilor Sousa recused, left the Council table, related to Ms. McGowan.

3. Town Administrator – Request Ratification of 3 Year Contract for Tax Collector Contract Toni Lynn McGowan

Administrator Wojcik noted the issue of the tax bills from last year has been fixed, going out ahead of schedule. Councilor Perry wondered why the Tax Collector is a part time position yet there are 2 full time clerks in that office.

Councilor Lambert made a motion, seconded by Councilor Chabot to Approve the Ratification of 3 Year Contract for Tax Collector Contract Toni Lynn McGowan per the attachment to agenda item G3. Motion passed unanimously.

Councilor Sousa returned to the Council table.

H-BIDS AND REQUESTS FOR PROPOSALS:

There were no bids or requests for proposal for this agenda.

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

There were no sign ups for the Open Forum.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Discussion on Landfill Closure

Administrator Wojcik sounded the voice of urgency on this issue. Director Berlucchi has done so on several occasions. There are 3 options for the Landfill Closure, extension, expansion or exemption. There really is no option for extension only if re-engineering the specs for closure. The licensing capacity is on schedule. DEM has been holding 2 documents until 10 days ago, the license renewal and the request for expansion of the vertical height by 3 feet. They are not the same application, the license renewal is ministerial. The DEM Director has the expansion request, it is a public process. Perceive there will be a shortfall in the Landfill Closure account. To have an exemption is completely different. Local legislators do have a role to play at this point will ask for help to request consideration from the DEM Director. Councilor Perry, when on the Budget Committee, asked for a cost analysis if pushed out for two more years. Director Berlucchi noted it goes by the Consumer Price Index, goes up every year. Tipping and handling fees cost approximately \$900k per year; add the Pay As You Throw funds, talking about a \$2.6 million dollar decision. Suggested having a workshop sometime in the future on just this topic.

2. Discussion on Library Sprinkler System

Administrator Wojcik explained the library sprinkler system had insufficient pressure which kept sending alarms to the Fire Department. The Fire Marshal investigated, was not designed for enough pressure, as a result needed a fire pump but a generator was not required. The fire pump has to be in its own house a sufficient distance from the heat pump. Proper permits have been filed waiting for the electrical hookup. Tomorrow there will be a 200lb pressure test after the fire sprinkler test. One misperception found after an internal review process, the town checklist, the adequacy of the reviews and listening to the mechanical inspector. The rule of Section 128 mandates on a project of this size, according to RIGL 23.27.-128, shall get project certification from engineer it is designing to code in accordance with the stamped plans. That is not a waiver of the Town's responsibilities. Section 128 protects the Town from liability, a very important aspect. T/A Wojcik believed there would not be a problem; it is not on the Town's dime. President deMedeiros noted the previous Town Council waived the inspection fees; they did not waive the inspections, another misconception. Neil Hall, Building/Zoning Official explained, had visited the site over 6 times; Rhett Bishop was there at least 4-5 times. The construction control report is required across the State for a project of this size and any commercial project. Mr. Hall would require a mechanical, electrical and structural 128. Would never allow something without an engineer's stamp no matter the size of the project. Mr. Hall opined not because anyone missed an inspection.

Mr. Hall explained the Town's engineer was out there all the time. Councilor Sousa questioned the bottom inspection not being done. T/A Wojcik noted the bottom inspection was not done on time because the Town did not have a properly certified building inspector at that time. The engineer was sent an email regarding the design, went through with it despite word from the North Tiverton Fire District. The bottom line is inspection was delayed for two reasons-did not have day to day supervision of the project due to the lack of a building official. and water pipe was off by 8 feet so at one point all the mechanical drawings had to be resubmitted. When that happened the bottom inspection was finally done and passed without a problem. The Fire Marshal's role was at the end, testing the time it takes for an alarm tripped to when water flow occurred, max 90 seconds. The test result was 45 seconds. Chief Lloyd explained it was the Fire Marshal, Danny Murphy and the mechanical inspector, Charlie Wright working together that found this. Looking back on the drawings found North Tiverton FD notified the engineer about the pressure, engineer decided to use their own figure. Councilor Sousa opined the plan was signed off years ago, inspections were not done, the flaw was found only after construction. Chief Lloyd disagreed; the stamped plans were submitted by an engineer. The Fire Department does not go through every

calculation. The Library Building Committee did a fine job, it was the engineers. President deMedeiros thanked the appointed members of that committee, this was not their fault. Chief Lloyd noted the Building Inspector and Fire Marshal are looking out for the Town. The flaw is on the people who built the system. President deMedeiros thanked Mr. Murphy and Mr. Wright.

3. Update on Senior Center Window Project

Administrator Wojcik noted Councilor Sousa asked for this to be on the agenda. With the good news on the septic system can now move forward with the windows, found no rot around the frames. Requested the Maintenance supervisor to get some specs, should have in 3-4 weeks.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Perry commented on a handout received from attending a School Committee meeting 2 weeks ago. The document that was sent around had numbers and comments that were not correct. Regarding the all-day kindergarten that is a School Committee decision not a Town Council decision. The loss of \$40k is not correct; the grant is for supplementary expenses. The handout claimed they would lose state aid for \$63k, claim not correct. It was updated in a handout the next day. Councilor Perry pointed to two other misnomers including on part 4, the 3% reserve covers the school department. That is not true; President deMedeiros requested a memo from the Solicitor on this point.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Update Zoning Ordinances

Solicitor Federico explained a comprehensive approach is best but some ordinances need to be amended in the short term. Currently working on doing some structural changes.

2. Clarification of General Fund

President deMedeiros requested clarification from the Solicitor as to whether the statement in that handout at the School Committee meeting was correct in that the 3% reserves include the school budget. President deMedeiros did not believe that to be the case, the 3% does not include the school budget. Solicitor Federico affirmed in a memorandum numerous RI Supreme Court decisions the School Committee excess is solely in their purview. The Town does not have a right to those funds. President deMedeiros noted the School Committee funds do not count toward the 3% Town reserves does not include school money. Solicitor Federico affirmed, does not and cannot. President deMedeiros questioned if a budget did not have a 3% reserve whether it would be an illegal budget.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

1. Scheduling of Possible June 29th Special Council Meeting

Town Clerk Mello questioned if the Council wanted a workshop or a special meeting on June 29 for yearend business. T/A Wojcik requested it be a special meeting, will have transfers. President deMedeiros will arrive late, is working that night. Town Clerk will put on transfers and year end business. Town Clerk Mello explained in the 6/15/15 special meeting minutes Councilor Pelletier had recused should have put that on the agenda for Executive Session and the open portion. If no objection from the Council will amend the minutes to reflect that.

2. Request Authority to Purchase Portable Sound System If Funds Available Within Council or Clerk Budget at Year End – Three Quotes Attached

a.B & H Quote \$6,353.12

b.Full Compass Systems \$6,561.59

c.Markertek Video Supply \$6,809.74

Town Clerk Mello requested Steve Rys, who does the videos at the High School to get some quotes on a portable sound system. Have been renting from Treehouse, Mr. Rys has been negotiating prices down based on the same equipment we have been renting. Up to the Council if they want this to be purchased or go out to bid. Costs

approximately \$500 each time to rent, sometimes do get reimbursed. Other times it is for the Council itself. This is just for a portable system; Dave Robert is looking into the Town Hall system.

Councilor Pelletier made a motion, seconded by Councilor Perry to Authorize the Town Clerk to negotiate and purchase a Portable Sound System as described if funds available within Council or Clerk budget at year end. Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

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

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2)–Collective Bargaining IBPO. On a roll call vote the motion passed on a vote of 6-0-1, Councilor Pelletier abstained, recused.

The Council entered into Executive Session at approximately 8:45 p.m.

The Council returned to Open Session at approximately 9:00 p.m.

OPEN SESSION:

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

Councilor Sousa motioned to seal the minutes of the Closed Executive Sessions. Seconded by Councilor Perry, motion passed unanimously.

ADJOURNMENT:

Councilor Perry motioned to adjourn seconded by Councilor Sousa, passed unanimously. Council adjourned at approximately 9:05p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk