

**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 13th day of April 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 Anthony DeSisto were also present.

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**Executive Session**

**Town Administrator - 42-46-5(a) (2) – Collective Bargaining IAFF**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5 (a) (2) – Collective Bargaining IAFF. Motion passed unanimously by roll call.

Council entered Closed Executive Session at approximately 7:01 pm.

Council returned from Closed Executive Session at approximately 7:47 p.m.

Councilor Perry read a Resolution regarding the Town of Tiverton fiscal crisis that jeopardizes its ability to continue to staff and fund a full time, professional fire and rescue service.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Adopt the Resolution as presented and read by Councilor Perry relating to Town Administrator - 42-46-5(a) (2) – Collective Bargaining IAFF. The motion passed unanimously by roll call vote.

**Adopted Resolution attached at end of minutes.**

Councilor Pelletier made a motion, seconded by Councilor Chabot to seal the minutes of Executive Session. Motion passed unanimously.

**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. Councilor Pelletier requested removal of items CA3d, CA11 and CA12. Councilor Perry requested removal of items CA6 and CA9. Councilor Chabot requested removal of item CA1a.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the rest of the items on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

## **CONSENT AGENDA**

### **A-1-Approval of Minutes of Previous Meetings:**

- b. Approval of Special Town Council Meeting Minutes March 18, 2015
- c. Approval of Special Town Council Meeting Executive Minutes March 18, 2015
- d. Approval of Special Town Council Meeting Minutes March 16, 2015
- e. Approval of Special Town Council Meeting Minutes March 14, 2015
- f. Approval of Regular Town Council Meeting Minutes March 9, 2015
- g. Approval of Special Town Council Meeting Minutes March 3, 2015
- h. Approval of Town Council Workshop Minutes March 2, 2015
- i. Approval of Executive Session Meeting Minutes February 9, 2015

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

- a. Art's Council
- b. Conservation Commission
- c. Prevention Coalition Newsletter
- d. Historical Cemeteries Commission (2)
- e. Zoning Board of Review
- f. Harbor and Coastal Waters Management Commission
- g. Open Space and Land Preservation Commission
- h. Historical Preservation Advisory Board (2)
- i. Recreation and Beach Commission (3)

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

- a. Foster Town Council Resolution Opposing Legislation Relating to Taxation Levy and Assessment of Local Taxes for New Construction
- b. Portsmouth Town Council Resolution Relating to School Committee Return of Surplus Taxpayer Monies to Cities or Towns to Municipality's Reserve Funds
- c. Town of Hopkinton Resolution Opposing H5044, S0559 and H5173
- e. Republican Party Resolution in Opposition to H5847 Relating to Waters and Navigation – Harbors and Harbor Lines

### **A-4-Boards and Commissions Annual Reports**

- a. Building Code Board of Appeals
- b. Historical Cemeteries
- c. Open Space and Land Preservation Commission
- d. Pocasset Hill Cemetery Commission
- e. Recreation and Beach Commission
- f. Tree Commission
- g. Zoning Board of Review

### **A-5-Town Administrator – Fire and Police Department Overtime Report for March 2015**

### **A-7-Town Administrator – March Monthly Department Report**

### **A-8-Kate Michaud, Planning Board Administrator's Activities Report for March 2015**

### **A-10-Council Approval for Town Administrator to Proceed with Written Notice to Extend Contract of Police Chief Thomas Blakey**

### **A-13-Councilor Pelletier Requests Council Approval of Resolution Opposing House Bill 5257 Relating to Waters and Navigation – Harbors and Harbor Lines**

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

### **CA1a-Approval of Executive Session Meeting Minutes March 23, 2015**

Councilor Chabot needed to recuse from item #8, requested continuance to next meeting. Town Clerk Nancy Mello suggested amending to include the recusal, Solicitor DeSisto agreed.

Councilor Chabot made a motion, seconded by Councilor Pelletier to amend the Executive Session Minutes from March 23, 2015 to include a recusal from Councilor Chabot on item #8. Motion passed unanimously.

### **CA-3d-Armenian National Committee Request for Flag to be Flown on April 24<sup>th</sup>**

Councilor Pelletier acknowledged a part of the Resolution; this year marks the 100<sup>th</sup> anniversary of the Armenian Genocide, requesting a moment of silences. President deMedeiros requested everyone stand for a moment of silence.

Councilor Pelletier made a motion, seconded by Councilor Chabot to receive and File CA3d, Armenian National Committee Request for Flag to be flown on April 24<sup>th</sup>. Barbara Pelletier volunteered to provide a flag. Motion passed unanimously.

**CA-6-Treasurer – Expense and Revenue Reports for March 2015**

Councilor Perry requested continuing this to another agenda, like to look at the shortfalls.

Councilor Perry made a motion, seconded by Councilor Pelletier to put this item on the next agenda. Motion passed unanimously.

**CA-9-Councilor Pelletier–Distribution of Memorandum, Police Pension Actuarial & Investment Report for Council Review**

Councilor Perry noted for the actuarial may need to go out for bid. Councilor Pelletier explained, have only a few months left in this Fiscal Year (FY), the Police Pension Board will probably go out for bid soon. Administrator Wojcik did discuss with Treasurer Denise Saurette who has been communicating with the actuaries about the assumptions for validity. The Board was in agreement need to look at it again.

Councilor Perry made a motion, seconded by Councilor Chabot to accept the Distribution of Memorandum, Police Pension Actuarial & Investment Report for Council Review. Motion passed unanimously.

**CA-11-William A. Sterrett, Amicable Congregational UCC – Request Permission for 5k Run/Walk From Four Corners to Neck Road to Seapowet Bridge and Return - Saturday, April 18, 2015 From 9am to 11:30 am – Subject to Police Notice**

Councilor Pelletier brought attention to the 5k Run/Walk Saturday, April 18 from Amicable at 9am. Have about 120 registrations; Rev. Sterrett, the third annual run, did not realize had to come back every year until a call was received from the Clerk's office. Will have acoustic guitars, a Capella group, driving in that area will be difficult around 8:30 am.

Councilor Pelletier made a motion, seconded by Councilor Chabot to grant permission for 5k Run/Walk From Four Corners to Neck Road to Seapowet Bridge and Return - Saturday, April 18, 2015 From 9am to 11:30 am. Motion passed unanimously.

**CA-12-Peter Moniz, Sakonnet Bridge Bike Lane Celebration – Request Permission for Bike Ride Starting in Portsmouth with Loop Traveling Through Tiverton From Sakonnet Bridge To Nanaquaket Road and Main Road, Back to Sakonnet Bridge on April 25, 2015 From 11am to 2pm.**

Councilor Pelletier brought attention to this 12 mile bike tour through Tiverton and Portsmouth. Peter Moniz explained several organizations were involved including Bike Newport. Tried for many years to get a bike path in this area.

Councilor Pelletier made a motion, seconded by Councilor Chabot to grant permission for Bike Ride Starting in Portsmouth with Loop Traveling Through Tiverton From Sakonnet Bridge To Nanaquaket Road and Main Road, Back to Sakonnet Bridge on April 25, 2015 From 11am to 2pm. Motion passed unanimously.

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

**ADVERTISED PUBLIC HEARINGS**

**1. Proposed Ordinance Amendment to Chapter 58, Article II - Peddlers and Hawkers**

Solicitor DeSisto explained the term Hawkers and Peddlers was part of RI law, refers to door to door salesmen. These proposed amendments update the ordinance, limits the application of the ordinance. Requires a badge, have to pay a fee, is less for Tiverton residents, does have penalties if there are complaints. President deMedeiros called for comment from the public three times. Susan Gill, Recreation Chair explained the purpose was to open up the beaches for commercial food vendors. President deMedeiros noted the Council just received the revised proposed ordinance. Councilor Pelletier noticed the revised proposal eliminated most of the language from the

original ordinance, questioned if this prohibited selling food at the beaches. Solicitor DeSisto explained the revised proposal eliminates the prohibition of the public, allows for vendors not subject to hawkers and peddlers. Ms. Gill noted the ordinance still prohibited selling within 500 feet. Solicitor DeSisto suggested eliminating paragraph 2 in Section 58-34 that mentioned the 500 feet selling area. John Cordeiro, Recreation member wanted assurances the original intent was just to have food vendors for the beaches, still want to have restrictions in the parks/rec areas. Councilor Pelletier noted the original proposal from the former Solicitor listed exceptions, suggested keeping the language that currently exists but add to the paragraph after town recreation area with approval of the Town Council and the recommendation of the Recreation Commission. Solicitor DeSisto agreed that added language would be fine. Claudia Linhares, Tiverton Little League requested clarification, that vendors would still not be allowed at little league games. Councilor Pelletier affirmed those vendors would still not be allowed. President deMedeiros hearing no more comments closed the public portion of the hearing.

Councilor Lambert referencing License duration and fee suggested the same fee for residents and non-residents. Councilor Perry questioned what neighboring towns were charging for fees, Councilor Pelletier noted license fees are set by the Town Council resolution. President deMedeiros suggested checking on the fees in Fall River.

Councilor Pelletier made a motion to Adopt the Proposed Ordinance Amendment to Chapter 58, Article II - Peddlers and Hawkers with the alterations, insertion of the language previously discussed and eliminating the second part of Section 58-34, License duration and fee and renumbering accordingly. Seconded by Councilor Perry passed unanimously.

**Adopted ordinance attached at end of minutes.**

**2. Sandywoods Farm, Inc., Russ Smith Program Coordinator – Request Issuance of a Sound Variance to the Noise Ordinance; Section 38 of the Town Code or Ordinances, for the Outdoor Part of an Event From the Hours of 11:00AM to 7:30 PM Held at Sandywoods Farms, 43 Muse Way, (Cornell Field) on Saturday, May 23<sup>rd</sup> and Sunday, May 24<sup>th</sup> – Subject to Meeting All Legal Requirements – Request Withdrawn**

President deMedeiros explained a letter was received from Robert Sabel requesting this item be withdrawn. Town Clerk Mello explained, had already been advertised which is why it was on the agenda.

**3. Town Administrator – Approval of Amendments to Fees and Fines Resolution Including But Not Limited to Recreation Fees**

Administrator Wojcik explained this was part of the annual review of fees, very lengthy document, done over several meetings. The recreation budget is unsustainable; have to find a way to set aside large sums of money. Asking people to consider paying, every sport is organized differently. Little League does not have an elite division; some organizations have recreational as well as competitive leagues. This is a proposed fee schedule; ultimately raising the fees will go toward maintaining the fields. Funds need to go into a restricted account. Susan Gill, Recreation Chair and Keith Cory, Recreation Coordinator responded to Council questions. Ms. Gill explained Grinnell's Beach will be closed this season, will not be charging Town residents to use the beaches. Propose non – resident fees, \$10 for weekdays, \$15 for weekend and holidays, \$5 for motorcycles. Will not have season passes; have added a Recreation Equipment Rental license for \$100 annually. The rental fee would be for kayaks. Propose Summer Camp fees for Monday to Friday (9-4), \$100/week, \$10/week for an hour before or an hour after. Sibling discount \$75/week and a discount for clinic enrollment \$50/ week participating. Mr. Cory explained, was very difficult to support Recreation on a \$40k budget. The vote from the Recreation Commission last week was unanimous, was approved and debated. Not guaranteed the money coming in will go to the fields. The proposed fees are nowhere near what other towns are charging for field use.

John Cordeiro, Recreation member, speaking individually disagreed with the Field Use fees, an undue burden on the taxpayer. The only other town that charges is Barrington for the truly competitive leagues. Those leagues have never come here. Largest portion of the budget is grass cutting. Asking leagues to pay \$8-9k which would go into the General Fund. The Town owns the fields should be across the entire tax base, generations of residents use the fields. Presents an undue burden on the Soccer leagues, those fields can be maintained for \$1,500/year, asking them to pay \$8k and up. Adult leagues would only pay \$25/game. President deMedeiros opened the public

hearing portion, will hear until 9:30 pm, then consider. President deMedeiros called for the woman who earlier requested to speak, had since left the meeting. Several residents spoke, pointed out Barrington pays for the coaches, here are all volunteers, other leagues make profits. Recreation believes all players play; no one is turned down, run by all volunteers. One resident lawyer was concerned, seemed the soccer leagues were being singled out, clear case a violation of equal participation, cannot enforce against certain groups. One resident suggested clarifying the language. Administrator Wojcik explained this was trying to get Recreation a mechanism to fund maintenance not subject to budget restrictions. Ms. Gill explained was discussed to have everyone pay a \$10 field use fee, not discriminating against any sport. Goal is to support the recreational facilities of the Town, looking to make the beaches and summer programs self-sufficient. Mr. Cory had suggested charging a flat fee rate of \$5; everyone had fought it, told this was covered by the taxes. Cannot keep up the fields with the money Recreation is getting from the Town.

Another resident supported the single fee for every person, every player regardless of association. One resident noted spending was not proportional; spend more on baseball and softball than soccer. T/A Wojcik explained \$12k was spent out of the capital account to restore the soccer field, committed to setting aside the funds for recreation. One resident/coach/parent suggested having someone write grants. Mr. Cordeiro did propose a head count fee, motion not voted on. Mr. Cordeiro was trying to get a restricted account set up, have some funds for a new soccer facility. President deMedeiros called for comment three more times, hearing none closed the open section, called for Council comments. Councilor Sousa was through with fees, budget process looks at how much the Town can afford, will not be voting for any fees. Suggested people do fund raising to get more revenue. Councilor Lambert noted the long history of uneven services, all pay taxes, Council left with an unfortunate job. Town residents should not have to pay a fee. Councilor Pelletier questioned what the threshold was to determine a competitive or travel team. Councilor Lambert wanted to see more of a breakdown of what it costs per event for the year.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Recreation Beach Fee Schedule for FY 2015/16 that Recreation has proposed for beaches as drafted including the Recreation Equipment Rental License. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Recreation Fee Schedule for FY 2015/16 for Summer Camp as listed. Motion passed on vote of 6-1, Councilor Sousa opposed.

Councilor Pelletier made a motion to remand the Field Use Fee Schedule recommendation from Recreation back to Recreation for further recommendation. Councilor Lambert will not vote for this unless it's in a restricted account, President deMedeiros agreed, however it's too late for this FTR to have a Resolve. Seconded by Councilor Perry. Councilor Pelletier repeated the motion, to continue the Public Hearing to the first meeting in May, send this back to the Recreation Commission for review. Seconded by Councilor Perry passed unanimously.

At this time, 9:55 pm the Town Council took a 10 minute break.

Council returned from break at 10:05 p.m.

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

**1. Sandywoods Farm, Inc., Russ Smith Program Coordinator – Request Issuance of a BYOB Event Liquor License for Event at Sandywoods Farms, 43 Muse Way, (Cornell Field) on Saturday, May 23<sup>rd</sup> and Sunday, May 24<sup>th</sup> Outdoors From 11: AM to 7:30 PM and Then Indoors From 7:30 PM to 10:00 PM – Subject to Meeting All Legal Requirements - Request Withdrawn**

President deMedeiros noted this request for a BYOB Event Liquor License has been withdrawn.

## NON ADVERTISED LICENSES

### 2. Charles R. Mulcahy, 65 Beech Ave, Tiverton – Req Renewal of Private Detective License to April 2016

Councilor Pelletier made a motion, seconded by Councilor Lambert to Approve the Renewal of Private Detective License to April 2016 for Charles R. Mulcahy, 65 Beech Ave. Motion passed unanimously.

### 3. General Auto Recycling, Inc. - Junkyard and Second Hand Dealer License Renewals December 1, 2014- November 30, 2015 – Subject To Meeting All Legal Requirements – Continued From November 24, 2014

Administrator Wojcik requested input from Building/Zoning Official Neil Hall and Solicitor DeSisto. Mr. Hall was asked to visit the area in violation. The owner had removed all vehicles from the area of encroachment, has not removed the crushed shells, does not have a soil and sediment control plan and has not filed a RIPDES permit. The owner had purchased the property next door, cleared approximately 2/3 acres, noted there were 3 separate lots. T/A Wojcik explained lot 115 was newly purchased, Solicitor DeSisto added the license needs to be for the premises in order to be granted, have to know where the premises are according to the plat and lot. Using the other lot would be an expansion from the original lot; license renewal is for the initial premises. Mr. Hall noted the owner has been very accommodating. Councilor Sousa questioned if there was a problem holding up this license since at this point the other property is not being used. Solicitor DeSisto noted the premises have to be defined, there is still a notice of violation, RIPDES has to be correct, need to make these a condition if granting the license. Chris Petropoulos, owner of General Auto Recycling explained A&C Realty owned lot 113. Has removed all of the auto related business on this parcel. Solicitor DeSisto noted a relationship between the two, can renew for the original owner of lot 115 however need some contingencies. Suggest a physical boundary between the two, soil erosion sediment control plan and the RIPDES permit from DEM should also set time limits.

Councilor Pelletier made a motion, seconded by Councilor Chabot to issue a License for 384 King Road, lot 602, plat 113 subject to a 90 day contingency including submission of a Soil Erosion Plan, either a RIPDES permit or letter from DEM and creation of a physical boundary between lots 113 and 115. Councilor Perry did not support, not sure of the notification, opined Mr. Petropoulos knew it was in violation but was still using that property. Mr. Petropoulos noted at that meeting the former Town Solicitor had sent the letter that day. Councilor Perry noted that was why an extension was given at that meeting. Motion passed on a vote of 6-1, Councilor Perry opposed.

## D-APPOINTMENTS & RESIGNATIONS:

### 1. Art's Council – Resignation - Wanda C. Longshaw, 24 Chester Street

Councilor Chabot made a motion, seconded by Councilor Pelletier to accept with regret the Resignation of Wanda C. Longshaw from the Art's Council. Motion passed unanimously.

### 2. School Committee Appointment to Fill Vacancy to November 2018

#### a. James Arruda, 3771 Old Main Road

#### b. Renee Sartini, 340 Brayton Road

Mr. Arruda previously served on the Town Council, former educator, currently works in Information Technology. Familiar with how a school department budget works.

Mrs. Sartini has three children in the school system, brings a different perspective as a parent and advocate. President deMedeiros noted most appointments done at the following meeting however the School Committee did need another member at this time.

Councilor Pelletier made a motion, seconded by Councilor Sousa to appoint Renee Sartini to the School Committee. The motion failed on a vote of 2-5, Councilors Sousa and Pelletier in favor, Councilors Perry, Lambert, P. Mello, deMedeiros and Chabot opposed.

Councilor Perry made a motion, seconded by Councilor Chabot to Appoint James Arruda to the School Committee to Fill Vacancy to November 2018. Motion passed on a vote of 5-2, Councilors Sousa and Pelletier opposed.

President deMedeiros thanked both for being willing to serve on a committee.

**3. Historic Preservation Advisory Board – Vacancy – 2 Year Term to 10/15/2017 - Bradley Green, 1 Mill Street**

Mr. Green, a student in architecture and art history hoped to use his knowledge to help with this board. Mr. Green was available for the morning meeting.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Appoint Bradley Green to the Historic Preservation Board to fill a vacancy for a 2 year term to 10/15/2017. Motion passed unanimously.

**E-UNFINISHED BUSINESS:**

**1. Councilor Perry – Discussion of Management Letter from Auditors for Year Ended June 30, 2014**

Councilor Perry spoke to Treasurer Denise Saurette about following up on the recommendations from the Audit. Would like to speak to the School Department as well to see if they are also following up on the recommendations. Councilor Perry will put in a request to speak about it on a School Committee agenda.

**F-FINANCIAL BUSINESS:**

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

President deMedeiros noted another budget has been presented; people will be able to hear about both budgets at the public hearing on April 30. Urged people to be very educated about both budgets when voting.

**2. Town Administrator – Request Authorization to Draw Down Premium Stabilization Account with Interlocal Trust – Health Insurance**

Administrator Wojcik explained the Town has exceeded the maximum amount allowable to have, has to draw down this year's overage under the Trust rules. The Interlocal Trust is subject to equity disbursement, the Town had elected to hold the excess in a premium stabilization account, have sustained a very significant health insurance increase. The credit is used against the bill for the last month, last year the Council voted to use \$40,703 from the stabilization account. Recommend using the full overage, over \$92k from the stabilization account.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve/Authorize the drawdown of the Premium Stabilization Account with Interlocal Trust Health Insurance for \$92,794.00. Motion passed unanimously.

**3. Town Administrator – Request Transfer of Funds to Cover DPW Overtime and Sand, Salt and Gravel From Acct#2190-7920 (Insurance) to Acct#5540-5104 (DPW Overtime) for \$3,000 From Acct#1020-6799 (Council Future Needs) to Acct#5540-6698 (Sand, Salt & Gravel) for \$11,345**

Administrator Wojcik explained this was to cover storm related expenses. The overage in the property/casualty insurance account occurred because the premium has been paid for the year. The Future Needs account is the only account that had enough funds to transfer. The funds should get the DPW through to June 3.

Councilor Pelletier made a motion, seconded by Councilor Perry to Authorize the Transfer of the aggregate \$14,345.00 from Acct#2190-7920 (Insurance) to Acct#5540-5104 (DPW Overtime) and from Acct#1020-6799 (Council Future Needs) to Acct#5540-6698 (Sand, Salt & Gravel) for \$3,000.00 and \$11,345.00 respectively. Motion passed unanimously.

## **NEW BUSINESS:**

### **1. Chief Blakey –Permission to Advertise for Position of Full Time and Per Diem Police & Fire Dispatchers**

Police Chief Blakey stated important position to have the best candidates. The last two hires have worked out well. Some training is provided, some applicants do not pass the general aptitude test, some don't pass the background check. Councilor Sousa suggested advertising in a different area to get a larger pool of applicants. Town Clerk Mello explained; have to advertise in two newspapers, usually requested by the department head. Chief Blakey does post at local colleges, police academies, would have 8 dispatchers with a full compliment. The testing procedure is open to everyone, Councilor Sousa suggested veterans associations. Chief Blakey will contact other agencies.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant permission to Advertise for Full Time and Per Diem Police and Fire Dispatchers. Motion passed unanimously.

### **2.Town Administrator – Request Approval of Amendment to Contract for DPW Director, Steve Berlucchi - Salary Increase of 2% to \$85,759 Effective January 7, 2015 to January 6, 2016**

Administrator Wojcik explained could not do in January due to vacations and storms. The Summary of the performance review and the contract show Director Berlucchi exceeded expectations, managed goals and accomplishments. Request an appropriate raise of 2%.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Approve the Amendment to Contract for DPW Director, Steve Berlucchi, Salary Increase of 2% to \$85,759 Effective January 7, 2015 to January 6, 2016. Motion passed unanimously.

### **3.Town Solicitor – Discussion and Action Regarding Proposed Settlement of Pension Litigation 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**

Solicitor DeSisto explained the Pension Settlement case was back in Court, complainants are going to refile, will be going to a class action lawsuit. Requested by the lawyers who are coordinating this to bring up in open session. The Court will schedule a fairness hearing, the General Assembly will have to approve legislature amending the law. The Court will hold a weekly status conference. T/A Wojcik estimated the impact for FY17 for the municipal side around \$75k. The debt will be re-amortized over a 25 year period.

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

### **1. Recreation Commission – Request to Advertise RFP for Supplemental Work to Town Farm Lower Soccer Field**

Recreation Chair Susan Gill requested this item be withdrawn, have limited funds to spend.

### **2. DPW – Request Permission to Advertise Bid for Uniforms for DPW, Maintenance and Police Personnel** Director Berlucchi explained this 3 year contract ends June 30; need permission to advertise for bids.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant permission to Advertise Bid for Uniforms for DPW, Maintenance and Police Personnel per the attached bid sheet. Motion passed unanimously.

### **3. DPW Director – Request Approval to Advertise for Bids**

- **Bituminous Concrete Paving**
- **Washed Sand, Washed Stone, Bank Run Gravel, Screened Loan, Crushed Stone & Dense Graded Stone**
- **High Density Polyethylene Pipe (HDPE)**
- **Catch Basin Blocks**
- **Catch Basin Frames and Grates**
- **Unleaded Gasoline, Clear Ultra Sulfur Diesel Fuel**

- **Daily Landfill Cover**
- **Crack Sealing**
- **Line Painting**

Director Berlucchi requests permission to go out for bid for these items every 3 years, done this way to save on advertising. T/A Wojcik noted next year begins the process of closing the landfill, have to have 1 foot of cover, not 6 inches, which is why this budget item increased. Director Berlucchi had requested an extension of the closing as part of an addendum to the license that expired December 14, 2014. Still has not been processed, have paid \$3k for the application and the license to be renewed.

Councilor Pelletier made a motion, seconded by Councilor Chabot to approve the request to Advertise for Bids for the items listed subject to the bid list. Motion passed unanimously.

#### **4. Recreation – Request Permission to Advertise RFP for Food and Beverage Vendors**

Recreation Chair Susan Gill requested permission to advertise for food and beverage vendors for Fogland Beach.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant permission to Advertise RFP for Food and Beverage Vendors for the Recreation Commission. Motion passed unanimously.

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

Barbara Pelletier suggested having a workshop for writing grant applications. Sally Black had testified along with others for 40% school buildings reimbursement, Stafford Pond and moving the FTR to Saturday.

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

Administrator Wojcik reminded Solarize Tiverton still looking to sign up more people, link is on the website. T/A Wojcik was not just looking to reorganize departments, also looking at PRISM for streetlight savings, looking at saving on life insurance. Received a grant from DEM for environmental compliance for a Street Sweeper, other towns also received. Looking to combine to get a deal on 5/6 sweepers as a sole source bid. Continue to investigate ways to save money for the taxpayers.

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

##### **1. Councilor deMedeiros – Refer BYOB Ordinance to Solicitor for Review**

President deMedeiros referred to the recently adopted BYOB Ordinance to the Solicitor for review. Have received some concerns from residents and Councilors, looking for comments, improvements. Chief Blakey agreed, initially brought forth for bars and restaurants.

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

There were no Solicitor items or announcements.

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

##### **1. Financial Town Referendum Update**

Town Clerk Nancy Mello reminded about important dates for the Financial Town Referendum (FTR). The last day to register to vote is Thursday, April 16, 2015. Must be a registered Tiverton voter by 4pm on April 16, must be registered 30 days before the FTR. Received one alternate petition from Mr. Katz, has not been certified yet. Copies are available at the Clerk's office, as well as copies of the Budget Committee proposal and the proposed Council Resolutions. The Town Clerk will be in the office on Saturday until 2pm which is the deadline to return all petitions, must have 50 signatures. On April 20 the Board of Canvassers will have a meeting for ballot wording certification. The FTR public hearing is Thursday, April 30 at the High School Auditorium at 7pm. Mail ballot applications have to be received by May 1. Absentee voting will take place at the Town Hall on Thursday, May 14 and Friday, May 15 from 7am to 8pm. Information is also on the website.

**CLOSED EXECUTIVE SESSION:**

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

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. Motion passed unanimously on a roll call vote.

The Council re-entered into Executive Session at approximately 11:35 p.m.

The Council returned to Open Session at approximately 12:10 a.m.

**OPEN SESSION:**

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

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

**ADJOURNMENT:**

Councilor Pelletier motioned to adjourn, seconded by Councilor Lambert, passed unanimously. Council adjourned at approximately 12:15 p.m.

A True Copy.

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

**RESOLUTION: Regarding IAFF**

WHEREAS, the Town of Tiverton (the “Town”) stands in fiscal crisis that jeopardizes its ability to continue to staff and fund a full time, professional fire and rescue service;

WHEREAS, the Town confirms its desire to achieve the highest fire protection class rating practicable with the staffing, equipment, and resources available to the Tiverton Fire Department (the “Department”) and to maintain its current response time performance with respect to all calls for fire and/or rescue service, within the fiscal and budgetary constraints imposed upon the Town;

WHEREAS, the Town prefers to organize its Department in a manner that allows for the most cost effective response to the nearly three thousand (3,000) calls experienced on an annual basis, including mutual aid calls and runs to remote areas of the Town;

WHEREAS, the Town has an obligation to provide a wide range of services to all of its citizens and achieve a balance of competing demands that can be supported by the Town’s taxpayers, who determine the ultimate level of funding available to Town government via a Financial Town Referendum;

WHEREAS, the Town has identified over seventy seven (77) worthy capital improvement projects necessary for the ongoing functions of government but for which there are no funds available;

WHEREAS, the Town derives eighty five percent (85%) of its real estate tax revenue from residential taxpayers, which is significantly greater than the experience of other Rhode Island municipalities;

WHEREAS, the Town has absorbed a forty two percent (42%) increase in the billed cost of electricity generation beginning in January, 2015;

WHEREAS, the Town has experienced a Town-wide catastrophic failure of roadway paving and sidewalks due to the record snowfalls and resulting water runoff of the 2015 winter season, with no hope of reimbursement or other forms of relief from the State of Rhode Island or United States governments to meet the resulting replacement and/or repair costs;

WHEREAS, the Town must adjust its fiscal year 2016 (July 1, 2015-June 30, 2016) budget to reflect a 14.7% increase in premium rates for its Town sponsored health insurance plans, including the plan offered to Department firefighters, and the Town anticipates similar double-digit increases in the coming years;

WHEREAS, as a result of its need to close the Town's landfill operation in fiscal year 2017, the Town must raise an additional \$2,000,000 for the capital project, and it must then begin incurring an increased annual cost of well-over \$600,000 for hauling and disposing of the Town's non-recyclable waste;

WHEREAS, the Town's unfunded liability arising out of the other post-employment benefits ("OPEB") the Town is obligated to provide to current and future retirees is \$24.7 Million, and a significant portion of that liability is attributable to the employees in the Fire Department;

WHEREAS, the Town's local police pension plan is only 63% funded, and it has a \$5.2 Million unfunded liability. As a result, the Town is subject to, and has been fully compliant with, a Funding Improvement Plan for this pension plan, necessitating a budget allocation of at least seven hundred thousand (\$700,000) per year for the last several years and the foreseeable future;

WHEREAS, as a result of the pension litigation involving the State, its municipalities and public employee unions, the Town is expected to have to begin paying an additional two hundred eighteen thousand dollars (\$218,000) in employer contributions to the Municipal Employees Retirement System (MERS) beginning in fiscal year 2017, which is not factored into the annual budget;

WHEREAS, the Town's current practice of staffing the Department leaves it unable to absorb vacation, sick, military, injured on duty or other forms of leave without having to callback firefighters at overtime rates;

WHEREAS, the resulting overtime compensation paid to Department members consistently exceeds budgeted line items, at times more than doubling the amount approved by taxpayers either through Town Meeting or Referendum,

WHEREAS, for the current fiscal year, total overtime spending in the Department is over three hundred thousand dollars (\$300,000), or nearly twenty percent (20%) of the base salary account of the Department;

WHEREAS, in light of the competing demands of Town government, the Town Council concludes that this pattern of excess overtime expenses in the Department is unsustainable;

WHEREAS, the staffing issues that have arisen within the Department have created morale, financial, safety, and organizational discipline difficulties which interfere with the core mission of the Department;

WHEREAS, in consideration of the above financial factors, the Town Council of the Town of Tiverton has concluded that rapidly rising expenditures cannot be met with flat or very slowly rising revenues, necessitating a review of the organizational structure of all Town departments and operations for potential efficiencies and resulting cost savings,

WHEREAS, most paid fire departments in towns across America of comparable size to the Town operate with a 3-division organizational structure. Scientific studies show that a 3-division structure, operating in conjunction with a shift schedule in which firefighters are on-duty for twenty-four consecutive hours followed by forty-eight hours off duty, enhances public safety and improves firefighter health and safety as compared with the 4-division structure and shift schedule the Town's firefighters currently follow;

WHEREAS, the Town can realize an estimated reduction in staffing costs of over \$389,000 in its first full year of implementation by reorganizing into a 3-division structure in its line firefighting/rescue operations without any layoffs or reductions in salaries, with even greater savings expected through anticipated reductions in overtime costs and the Town's annual required OPEB contribution;

WHEREAS, the Town's firefighters would reduce their work days, on average, to 100 days per year on a 3-division structure operating in conjunction with a twenty-four consecutive hours duty schedule;

WHEREAS, the Town can increase the number of firefighters on duty by approximately thirty percent (30%) by reorganizing into 3-divisions, and still realize significant, structural savings in staffing and overtime costs;

WHEREAS, similar savings could only be realized by effecting drastic and unacceptable cuts in public safety and other essential Town services, contrary to the public good and welfare and the mission of Town;

WHEREAS, the same savings, efficiencies and level of protection to the Town could only be realized in the Fire Department by changing the nature of firefighting/rescue operations in the Town, including changing from an all-professional Department to one that includes volunteers, call persons, and private contractors;

NOW THEREFORE, pursuant to the authority vested in this Town Council through the Town of Tiverton's Home Rule Charter, the Rhode Island Constitution, and such other authority governing the sovereign rights of this municipality, the Town Council of the Town of Tiverton hereby resolves and declares:

1. Effective immediately, the Tiverton Fire Department shall convert and reorganize into a 3-division organizational structure for all full-time, paid line firefighting and rescue personnel. Each of the three line firefighting/rescue divisions shall consist of approximately one-third (1/3) of the Fire Department's line firefighting and rescue personnel. This Council will postpone the implementation of the effects its decision to reorganize the Fire Department into 3-platoons until July 1, 2015.

2. Effective July 1, 2015, unless a different arrangement regarding the effects of the reorganization is incorporated into an agreement with the collective bargaining representative of affected employees, the same annual salaries shall be provided to firefighters; the same number of hours of paid sick leave, paid vacation leave and other paid time off shall accrue to firefighters per week or month or year of service or event as currently is provided by the parties' collective bargaining agreement, but the accrual and accumulation of such paid time off will be converted to hours at a rate of 12 hours per "day" or "working day" of leave, and; overtime pay shall be given as prescribed by the federal Fair Labor Standards Act, 29 U.S.C. § 207(k).

3. Unless a different arrangement regarding the effects of the reorganization is incorporated into an agreement with the collective bargaining representative of affected employees, the three line firefighting/rescue divisions will operate on a regular schedule consisting of one 24-hour tour on-duty commencing at 7:00 A.M., followed by one 48-hour period off-duty. Implementation of the schedule may be suspended during good faith negotiations over the effects of the reorganization on firefighters, but not beyond June 30, 2015.

4. Effective immediately, there shall be an Office of Fire Marshal within the Fire Department, which will be a full-time position.