

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 27th day of July 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 (10 minutes late) David Perry
Joseph R. Sousa

Town Administrator, Matthew Wojcik and Town Solicitor 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.

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

Councilor Lambert made a motion, seconded by Councilor Sousa to Approve 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:

a. No Minutes Available

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

- a. Arts Council
- b. Cemetery Commission
- c. Personnel Board (4)
- d. Harbor and Coastal Management Commission

A-3-Correspondence – Receive and File:

- a. Governor’s Commission on Disabilities Public Forums During July
- b. Received From Attorney Timothy T. More Regarding Scheduling of Public Hearing for Zoning Amendment Regarding Shared Parking at Tiverton Four Corners – Referred to Solicitor

A-4-Approval of Tax Assessor Abatements

A-5-Treasurer Denise Saurette - Draft Revenue and Budget Reports June 30, 2015

BUSINESS BROUGHT BEFORE THE COUNCIL

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

1. Proclamations for Eagle Scouts John G. Donahue and Benjamin R. Lusignan

Councilor Lambert read the Proclamations for Eagle Scouts John G. Donahue and Benjamin R. Lusignan.

Councilor Perry made a motion, seconded by Councilor Chabot to Accept the Proclamations Congratulating John G. Donahue and Benjamin Lusignan for Achieving Eagle Scout. Motion passed unanimously.

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

1. Riptides Sports Grille, Inc., 1 Bay Street, Tiverton, RI - Request Approval of BV (Full) Liquor License and Victualling License - Subject to Meeting All Legal Requirements – Continued From June 22nd

Fire Chief Robert Lloyd just received the latest plans last week. The Fire Marshal has not had enough time to review. Town Clerk Mello did not having anything further since the last agenda, public hearing was continued to a date certain. Chief Lloyd explained fire code determines occupancy; zoning relative to parking is another matter. The Fire Department (FD) occupancy comes to 172 people. Chief Lloyd advised continuing this item until the Fire Marshal has the time to review. Cort Chappell, Attorney for the applicant Bethany Shaker did agree plans were dropped off last week, first draft was submitted June 1. Attorney Chappell explained, had sought a zoning certificate, says it's a valid place to run a restaurant, has a grandfathered right from the certificate issued by the prior Building Official. Attorney Chappell further explained the building because of the size regulates the number of people, done by a factor. The last sets of plans showed 80 seats, only have permission for 40 from DEM. Put in some couches, a wall, took out an entire backroom and added pin ball machines to take up space. The new plan has 32 seats and 8 bar stools. DEM septic requirements don't count square footage. The fire code is a bigger number than there is permission to serve. Not trying to draw a comparison but under the fire code can get 172 people in this property. Solicitor Federico was concerned the FD has not had an opportunity to review the plans which was a directive from the last meeting. If the Council grants the license it is the Council's pleasure to restrict occupancy not to exceed a certain amount as part of the liquor license. There are numerous restrictions the Council can place on a liquor license, capacity is one of them.

President deMedeiros opened to comments from the public. Councilor Sousa questioned what number of people they would like. Attorney Chappell called for under 100. Discussion on parking spots followed, Attorney Chappell noted there were 16 drawn spots on the plan. Contacted DOT, State Street has off street parking, will do something with signage if necessary. There is also quite a bit of off street parking in MA. Solicitor Federico noted zoning does apply to parking. Attorney Chappell opined if this was a new business it would, however zoning was approved for a pre-existing grandfathered business for 200 or more people. If this was new then the 16 parking spots would equate to 64 people. Councilor Pelletier noted public spaces cannot be counted toward the parking requirement. Attorney Chappell disagreed; there is no parking requirement for a grandfathered certificate. Solicitor Federico noted if the Council has a concern with sufficient parking, can limit the capacity to a sufficient number. Chief Lloyd clarified with the Solicitor if the Council limits occupancy then it would be an enforcement issue, police would be dealing with this issue. Solicitor Federico affirmed if that is part of the license requirement then it's a matter of compliance with the police department. Councilor Perry noted if you have a registered car you can park anywhere legally. Solicitor Federico affirmed that was correct. Attorney Chappell to find out about parking on the MA section of Bay Street. President deMedeiros suggested continuing to the next meeting.

Councilor Perry made a motion, seconded by Councilor P. Mello to Continue the Public Hearing to the next meeting. Chief Lloyd suggested waiting until Council has final plans. Solicitor Federico agreed with the Council President; if there are no final plans Council can address at that time. Motion passed unanimously.

NON ADVERTISED LICENSE

2. Wyatt Albert's Barber Shop, Inc. d/b/a Wyatt Albert's Barber Shop, 525 Main Road – Requests Approval of Holiday License - Subject To Meeting All Legal Requirements

Lucas Anselmo, applicant, explained being open on some holidays is important, not the two major holidays. Would have 2 seats, parking is also available in the back.

Councilor Lambert made a motion, seconded by Councilor Perry to Approve a Holiday License for Wyatt Albert's Barber Shop, Inc. d/b/a Wyatt Albert's Barber Shop, 525 Main Road subject to meeting all legal

requirements. Mr. Anselmo explained this was located next to the old Saughkonnet Hot Dog. Motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

1. Arts Council – One Vacancies – Two Year Unexpired Term to 4/15/2016

Joanne Donnelly, 66 Robert Gray Ave – New Appointment Request

Joanne Donnelly, longtime resident, retired nurse was always interested in all phases of art. Town Clerk Mello explained did receive another application today for this committee, these openings were advertised. Councilor Perry noted that application was received after the deadline, should not be considered at this time.

Councilor Lambert made a motion, seconded by Pelletier to Appoint Joanne Donnelly to the Arts Council for a two year unexpired term to 4/15/2016. Motion passed on a vote of 6-0-1, Councilor Perry abstained.

Councilor Pelletier suggested sending the other applicant a letter, Councilor Lambert noted the application will be kept on file, will keep in mind.

2. Juvenile Hearing Board – One Vacancy for 2nd Alternate Unexpired Term to 10/15/2016

Judith Crawford, 1333 Main Road – New Appointment Request

Ms. Crawford, lifelong resident, was retired from DCYF, Family Services, background in social work.

Councilor Lambert made a motion, seconded by Councilor Perry to Appoint Judith Crawford to the Juvenile Hearing Board as 2nd Alternate for an unexpired term to 10/15/2016. Motion passed unanimously.

3. Planning Board – (3) Three Year Terms to 7/15/2018

a. Rosemary Eva, 4019 Main Road – Seeking Reappointment – Previously Interviewed

b. Carol Guimond, 37 Neck Road – Seeking Reappointment – Previously Interviewed

c. Mike Burk, 67 Durfee Road – New Appointment Request

d. Jonathan A. Cottrell, 35 Main Road – New Appointment Request

e. Peter Moniz, 83 Captains Circle – New Appointment Request

f. Wayne G. Moran, 339 Village Road – New Appointment Request - Withdrawn

g. Marc C. Pfeiffer, 20 South Court – New Appointment Request

h. Christine E. Ryan, 108 Driftwood Drive – New Appointment Request

Ms. Eva and Mrs. Guimond were previously interviewed. Mr. Burk has been involved in local government for years, previously served on the School Committee, works with children and families. Councilor Lambert questioned what smart growth meant to Mr. Burk. Mr. Burk opined it was looking at the community's current assets and try to build on those. Existing commercial properties on Main Road can be repurposed, look at how to use the Industrial Park. Councilor Chabot asked all the applicants the same questions: if they attended Planning Board meetings with the exception of the Carpionato hearings and regular meetings. Councilor Chabot also asked if any of the applicants reviewed the Comp Plan, Zoning Ordinance and Land Use Development and Subdivision Regulations. Mr. Burk has reviewed all those documents. Jonathan Cottrell, residence 35 Main Road, bought a house on Cliff Street in the early 80's. Has been serving on the Economic Development Commission (EDC), worked on the Comp Plan, is a business owner, contractor and handles real estate. Mr. Cottrell has attended Planning Board meetings only if involved with an item, was familiar with the Comp Plan. Town Clerk Mello informed Council BOC had received an affidavit challenging Mr. Cottrell's residency. Board of Canvassers (BOC) will discuss at next meeting. Mr. Cottrell says his residency is 35 Main Road, will go through the steps. Councilor Lambert had two points, one of the requirements is that he is an elector, not the Council's job to question residency. This issue came up several years ago, Mr. Cottrell responded to all the inquiries, at that time provided documentation. To determine residency not the responsibility of the Council, should be handled by the BOC.

Councilor P. Mello disagreed, question raised at the last meeting that 35 Main Road is commercial, has no bathroom or bedroom, very concerned. Councilor P. Mello questioned Mr. Cottrell several times as to his

residency, Mr. Cottrell explained 35 Main Road was his legal address, lives on the property at 29, 35 and 37 Main Road; 35 Main Road is a mixed use property. Town Clerk Mello explained will be a meeting of the BOC on August 5; will be sending Mr. Cottrell a letter on what the State requirements are for a resident, the BOC will then review.

Peter Moniz has been in public service in town for 20 years, former member of the Planning Board, EDC, Charter committee and currently serves on the Tree Commission. As a former member of the Planning Board, Mr. Moniz was familiar with those documents Councilor Chabot mentioned. Mr. Wayne Moran withdrew his application request at this time. Town Clerk Mello explained Mr. Pfeiffer was at the last Council meeting, believed he would be interviewed at that time; received an email unable to attend this meeting. Christine Ryan, member of the Board of Directors of the Tiverton Land Trust was acquainted with the challenges of development, see diversity as being a plus. Saw smart growth as looking at where you want to go, finding the best options. Mrs. Ryan was familiar with the Comp Plan, zoning, etc.

Councilor Sousa motioned to Appoint Peter Moniz to the Planning Board for a 3 year term to 7/15/2018. President deMedeiros noted past practice has been to appoint at the next meeting. Councilor Perry seconded for discussion, questioned why someone who was just interviewed for the Arts Council was appointed. Councilor Lambert agreed with the Council President. Councilor Lambert opined Mr. Moniz was eminently qualified to serve on the Planning Board. Councilor Pelletier noted one candidate has not been interviewed, absence was legitimate. Councilor Lambert questioned if because of the issues if this motion fails whether Mr. Moniz could be nominated at the next meeting. Solicitor Federico explained there would have to be a motion to reconsider from someone on the prevailing side. The motion passed on a vote of 4-3, Councilors deMedeiros, P. Mello and Pelletier opposed.

Councilor Lambert stated he would abstain from any other motions, preferred to have the rest of the nominations and motions in two weeks. Solicitor Federico referred to the Policy 2012-1, Town Council Boards and Commission, subsection g, Interview and Selection. The Town Council shall review each application and invite candidates to interview with the Council. Applicants shall not be appointed unless they interview in person with the Town Council, except that the Town Council may waive interviews for reappointments where applicants do not exceed available positions or if other special circumstances apply. Under normal circumstances, the Town Council will not consider nominations or make appointments until the meeting following the meeting that all interviews have been conducted. This is what the Town Clerk tells people when they apply. Councilor Pelletier helped draft this policy, preferred to wait two weeks affording Mr. Pfeiffer the opportunity , would like to speak to him before deciding on the other two appointments.

Councilor Pelletier made a motion, seconded by Councilor Lambert to wait until the next meeting whether Mr. Pfeiffer is available or not, to make appointments on the other two vacancies for the Planning Board observing the normal policy. Councilor Sousa opined the previous Council cannot bind policies to this Council. Solicitor Federico explained the policy adopted by the Council stands until revoked, amended or determined to be null and void by the sitting Council. The Town Council Governance policy covers all policies. Councilor Sousa disagreed with the determination of the Town Solicitor. The motion to continue for two weeks passed on a vote of 5-1-1, Councilor Sousa opposed, Councilor P. Mello abstained.

4. Zoning Board of Review – (1) - First Alternate Term to 7/15/2016

(1) - Second Alternate Term to 7/15/2016

a. Alan J. Doucet, Jr., 95 South Avenue – Seeking Reappointment as First Alternate

b. George Alzaibak, 63 Stoney Hollow Road – Previously Interviewed – Seeking Appointment

President deMedeiros noted Mr. Alzaibak was previously interviewed, Town Clerk Mello received a letter from Mr. Doucet explaining he was away, would be unable to attend this meeting.

Councilor Perry made a motion, seconded by Councilor Sousa to Appoint Georg Alzaibak as First Alternate. Discussion followed, Councilor Lambert pointed out Mr. Alzaibak is currently Second Alternate,

wants to be First Alternate. President deMedeiros recalled Mr. Alzaibak mentioned that at the last meeting. Town Clerk Mello explained in the policy whether reappointing or appointing everything is considered a vacancy. Councilor Lambert explained Mr. Alzaibak found it hard to sit in on the meetings not being able to vote, wanted to be considered for First Alternate. The motion failed on a vote of 3-3-1, Councilors Sousa, Perry and Lambert in favor, Councilors deMedeiros, Chabot and Pelletier opposed, Councilor P. Mello abstained.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Reappoint Alan Doucet as First Alternate and George Alzaibak as Second Alternate, both terms to 7/15/2016. President deMedeiros will not vote for this, would like to interview Mr. Doucet, has never met him. The motion failed on a vote of 2-5, Councilors Sousa, Perry, P. Mello, Lambert and deMedeiros

President deMedeiros requested the Clerk invite Mr. Doucet to the next meeting.

5. Conservation Commission – Two Vacancies – Three Year Term to 4/15/2018

Tom Molinski, 122 Thomas Street – New Appointment Request

Mr. Molinski was semi-retired, has attended the Conservation Commission meetings for almost a year, important committee, would like to support their efforts. Will be applying for the Tree Commission as well.

Councilor Lambert made a motion, seconded by Councilor Pelletier to Appoint Tom Molinski to the Conservation Commission for a three year term to 4/15/2018. Motion passed unanimously.

E-UNFINISHED BUSINESS:

1. John A. Pagliarini, Jr., Esq.-Enforcement of Public Improvement Guarantees for William Barton Reserve Pursuant to RIGL 45-23-46-Status Update, Street Sweeping, Filling Pot Holes & Bond

Mr. Pagliarini was requested by the neighbors to check on the status request to pull the developers bond. In November of last year this was referred to the Assistant Solicitor, Peter Ruggiero. Thanked for having the streets swept, questioned why the security was released, \$80K remains. Administrator Wojcik recommended the Town act with some decisiveness; all those streets were done under the existing subdivision regulations at that time. This developer is bankrupt; surety at that time was a letter of credit. Assets no longer exist. Attorney Ruggiero was instructed to find assets to attach, do not know if he finished that task. T/A Wojcik noted the surety was released too early, need stronger rules at the Planning Board level. It is a Planning Board policy, they should revisit as soon as possible. DPW Director Berluca explained the DPW cannot work on a subdivided road, last year was directed to plow and sand for safety reasons, plan to continue plowing, sanding and filling in pot holes. Director Berluca had put this road on the paving list submitted two weeks ago even though it is not Town owned. Could do a lot of work in house, a top course would cost \$80-100k. Councilor Sousa suggested authorizing Director Berluca to repair the road. President deMedeiros explained the Council has to accept the road, Councilor Chabot noted the Council has to get a recommendation from the Planning Board first. Solicitor Federico suggested referring this to the Planning Board for action and discussion.

Councilor Sousa made a motion, seconded by Councilor Perry to refer to the Planning Board this item for action and discussion. Motion passed unanimously.

2. Town Administrator – Request Approval of Construction and Utility Easement to the City of Fall River Regarding Sewer Project in Hancock Street and Lake Avenue Area

Administrator Wojcik explained the City of Fall River is looking to go ahead with this project; language was added including curb to curb paving. The Solicitor and Director Berluca both reviewed the language.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Construction and Utility Easement to the City of Fall River Regarding Sewer Project in Hancock Street and Lake Avenue Area subject to the attached Easement. Motion passed unanimously.

F-FINANCIAL BUSINESS:

1. Town Administrator – Request Transfer of \$7,900 From Acct #1050-7159 (Litigation) to Acct #1050-7191 (Labor Counsel)

Administrator Wojcik explained there were two contract negotiations and authorization to retain Special Counsel for personnel action, resulted in a shift of funds to labor, litigation has slowed down. These transfers are all from FY ending June 30, 2015.

Councilor Perry made a motion, seconded by Councilor Pelletier to Authorize the Town Administrator to Transfer \$7,900 From Acct #1050-7159 (Litigation) to Acct #1050-7191 (Labor Counsel). Motion passed unanimously.

2. Town Administrator – Request Transfer of Funds

To Acct #8830-5181 (Seasonal Employees) for \$1,285

To Acct #8840-6459 (Mowing) for \$2,265

To Acct #8840-6630 (Field Rehabilitation) for \$5,030

To Acct #8840-6749(Preventative Maint.) for \$1,630

From Acct #3310-5101 (Fire-Salary Personnel) Totaling \$10,210

Administrator Wojcik explained three quarters of the way through the FY there was a serious deficit in the Fire Department overtime account. At the time transferred funds from various account to cover the shortfall. With a new contract and agreement, retirements and departures the Fire Department Salary Personnel account finished with a surplus. A number of small projects were going on at the fields. The seasonal employees are the beach employees; the seasonal maintenance position no longer exists.

Councilor Perry made a motion , seconded by Councilor Pelletier to Authorize the Town Administrator to Transfer \$10,210 from Acct #3310-5101 (Fire-Salary Personnel) to Acct #8830-5181 (Seasonal Employees) for \$1,285, to Acct #8840-6459 (Mowing) for \$2,265, to Acct #8840-6630 (Field Rehabilitation) for \$5,030 and to Acct #8840-6749(Preventative Maint.) for \$1,630. Motion passed unanimously.

G-NEW BUSINESS:

1. Fire Chief Lloyd – Request Authorization to Advertise for Position of Fire Fighter/EMT to Create List of Potential Candidates for Possible Upcoming Vacancies

Chief Lloyd explained from the last advertising , ended up with 17 candidates, 7 were rejected, leaving only 10 on the hiring list, would like to have a larger list, a bigger pool to pick from. Councilor Sousa suggested sending the ad to the Veteran’s Administration (VA). T/A Wojcik agreed, a good idea, talked with the Chief about changing the approach to advertise, have to comply with the Charter’s advertising requirements. Councilor Sousa noted the VA works with RI unemployment. Chief Lloyd agreed, could do both.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Authorize Chief Lloyd to Advertise Position of Fire Fighter/EMT to Create List of Potential Candidates for Possible Upcoming Vacancies. Motion passed unanimously.

2. Councilor Chabot – Tiverton Wastewater District Outstanding Issues

a. Community Septic System Loan Program Agreement – Town Solicitor

Solicitor Federico expects to finalize details this week had some language issues clarified. Councilor Chabot noted this was very important, needed for funding to help the residents.

b. Recording of Easement for Pump Station at Countryview – Town Clerk

Town Clerk Mello did not have an easement, recalled John Lincourt taking an easement back, will do more research.

c.Asset Transfer From Town to TWWD – Town Solicitor

Solicitor Federico explained there was an issue relating to the Interceptor having to do with the Tax Increment Financing (TIF) bond attached to it. Need to clean up the language prior to transferring the asset. T/A Wojcik explained this was a significant change in the Town to take these as separate from the Town. Around that time Mr. Lincourt left, the Town changed attorneys and the Council changed. Many of the assets were successfully transferred to the Tiverton Wastewater District (TWD). Talking about beneficial interest in a great many easements across the Town. The question is how to transfer the Town's interests in the easements.

d.Memorandum of Understanding – Town Solicitor

The Solicitor was working on a Memorandum of Understanding on reimbursement to the Town relating to the use of electricity from Direct Energy.

e.Ordinance Updates

f.Charter Update for November 2016 Ballot

Councilor Chabot reminded the Ordinance needs to be updated relative the TWD, need to get the assets transferred in order to get low interest loans, do not want to lose sight of this. Need the Memorandum of Understanding completed, will follow up with Wastewater. President deMedeiros suggested touching base with John Lincourt. Solicitor Federico explained the entity seeking this typically does the initial work.

3. Councilor Chabot – Discussion and Possible Schedule for Volunteer Appreciation Event

Councilor Chabot explained have done this at the Senior Center in the past. Some older volunteers do not want to drive at night, suggest maybe doing on a Saturday, September 26 would be available. Suggested Fogland, has restroom facilities, parking could be an issue at Grinnell's. Councilor Perry noted there used to be cookout for employees of the Town, suggest doing as a separate day. Town Clerk Mello noted this requires a lot of help will contact Janice Gomes at the Senior Center, will get prices. It was also discussed to do this every other year. President deMedeiros suggested putting on the next agenda. Councilor Chabot suggested maybe using one of the food vendors. Councilor Perry will work with the T/A and the Town Clerk for employee appreciation.

4. Councilor Pelletier – Stone Bridge Abutment Status Report

Town Planner Marc Rousseau provided the update, has spoken to DOT, will be advertising for bids in January 2016, construction will start in spring of 2016. Final plans should be done by October of this year, then close on a contract. There has been a shift in the pilings, an erosion of them, will see revised plans. Councilor Pelletier was concerned with the integration of the Doughboy Statue; don't want to be left with gaps in the project. Mr. Rousseau explained there will be improvements to the entrance, will remain in the contract.

5. Councilor Pelletier – Seaside Gas Station Status Report

Mr. Rousseau explained there are deed restrictions for that gas station, DEM has an easement, can only be for certain uses. The tanks have been removed, following up with DEM, will be openings for grant money in the spring. Need some consensus for a vista, alternative restrooms, parking, and lighting. Preparing plans to go forward with the application. Getting conceptual drawings from students at Roger Williams University and looking at alternative resources. Bruce Cox, Harbor Commission Chair, noted this ties into the abutment project. Suggested putting together an ad hoc committee of various representatives from Recreation, Conservation, Harbor, the Garden Club, and EDC to come up with a recommendation. Opined the building should be preserved as an asset, once the building is demolished cannot be rebuilt. Makes sense to tie together the beach, gas station and Stone Bridge abutment project. Councilor Sousa suggested having a professional engineer look at the building, noticed some cracks on the walls. Recalled a septic system on the side of the building. Councilor Pelletier opined is a comprehensive process. President deMedeiros suggested having the ad hoc committee; Solicitor Federico will draft an enabling resolution. Administrator Wojcik noted the sign was taken down, the weeds have been cleaned up, have to remove the cesspool by 2017; need to do this in a timely manner. There are really two buildings, trying to get to the point of applying for grants. CRMC likes it if two building go down to 1. If the Town does the demolishing can be considered an in kind grant.

6. Councilor Pelletier – Quarry Activity Update

Councilor Pelletier requested a brief update on active efforts to understand and address quarry activity in Tiverton including submission of legislation, inspection, licensing and data gathering. Have contacted several people; do not know the status of legislation or where it is. Solicitor Federico explained as far as the legislation the Council takes that up with local representatives, would be happy to look at the language. Did not find anything specific or introduced. Councilor Pelletier suggested continuing to research. Solicitor Federico noted licensing is a bit different, the Statutes are a specifically a challenge, pre-existing uses some believe do not fall into licensing. Looking at best practices for licensing and inspections. Councilor Pelletier noted the main reason why Tiverton Materials believes they are exempt because of a 1963 piece of legislation for quarrying of granite, marble, limestone and some other material which a geologist could determine. Solicitor Federico clarified the Council would like to have researched licensing addressing legislation for licensing and data gathering. Councilor Pelletier has received calls as to why the Council is not preventing unlicensed operations. Councilor Sousa opined the question at the time was whether the quarrying of materials of crushed stone. Councilor Pelletier added it was a question as to whether or not the Council could regulate any of it. Administrator Wojcik had a question for the Solicitor, as to whether the process conducted by Tiverton Materials can be considered manufacturing by the Statue, to see if the Town can regulate the this activity. In Cumberland they were able to get a reduction in the amount of the blasting charge as a matter of consent and leverage. Councilor Pelletier also recalled there were questions about ground water run-off. Councilor Perry has received complaints from Linda Road residents as well as some from Warren Ave. T/A Wojcik responding to a question, the State regulates blasting, the Town verifies there is a blasting bond. T/A Wojcik suggested keeping track of cracks visually or some measuring method and to keep contacting the State Fire Marshal about the blasting. Usually the Clerk's office receives a call about blasting; they also call the FD and dispatch. Larry Cabral requested something to be done, are blasting straight down. Will have problems on Fish Road, new water lines are going in over there. Councilor Sousa suggested contacting the State Fire Marshal and the State Representatives cannot do anything as a Council. Solicitor Federico will follow up.

7. Councilor Pelletier – Riverside Drive

Councilor Pelletier questioned if there was a plan for redevelopment of certain parcels of land owned by the State near the intersection of Quaker and Riverside Drive. The parcels are currently underutilized in this waterfront district. The removal of the turn style bridge has changed the flow of water in that area. T/A Wojcik would have to do more research. The Town has been offered some land there, have not accepted, see as inheriting a problem.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Request Authorization to Advertise for Bid for Tiverton Senior Center Window Replacement Project

Administrator Wojcik requested advertising for bid to replace 18 first floor and basement windows at the Senior Center costing approximately \$32k. Councilor Pelletier questioned if spec #8 was correct, that all windows carry a lifetime warranty. T/ A Wojcik affirmed that was correct, looking for an Anderson window or comparable.

Councilor Perry made a motion, seconded by Councilor Sousa to Authorize the Town Administrator to go out to Bid for \$32k for Tiverton Senior Center Window Replacement Project. Motion passed unanimously.

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

The person who signed up for the Open Forum had spoken earlier in the agenda.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

There were no Town Administrator items.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Perry planned to put on the next agenda a request for an update from the CPAC committee. They were appointed 5/13/13, still not have not completed the work. Supposed to report quarterly to the Council, would like

to get an updated report from them. Councilor Lambert agreed, did not want to wait until the end. Trish Hilton, a member of that committee explained this committee has only been meeting since last summer.

Councilor Sousa looked for an update on what is being done with the Essex Library. Administrator Wojcik explained a situation assessment was conducted. Assessing the possibility of reusing the buildings for some functions. Councilor Sousa believed the building was going to be sold, not for repurposing, objected to not trying to sell the building. President deMedeiros explained the Council has not decided to sell; the Administrator needs to come up with a plan. The voters gave the Council authority to sell, have not decided as a Council to do that. Councilor Sousa requested an update on litigation lawsuits going through arbitration. Councilor Chabot mentioned the Arts reception that occurred on 7/19, Party with Pets, need a home for the paws mural. Councilor Perry noted a lot of functions have been going on in Town, thanked everyone involved in Tiverton celebrates.

J-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor items.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS

1. Open Government Summit at Roger Williams University School July 31, 2015

This was a reminder, if anyone wants to attend should make a reservation; the Town Clerk has to attend. Town Clerk Mello noted has been receiving reports from General Auto, will start to put on the agenda. Requested one of the Councilors put the Boards and Commissions and Governance Policy on an agenda, then Council could come back with comments and suggestions.

CLOSED EXECUTIVE SESSION:

1. Town Administrator – 42-46-5(a) (2) – Potential Litigation – Zoning Compliance

2. Town Administrator – 42-46-5(a) (2) – Potential Litigation – Tax Appeals

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2) re: Potential Litigation – Zoning Compliance. The motion, on a roll call vote, passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Potential Litigation – Tax Appeals. The motion, on a roll call vote, passed unanimously.

The Council entered into Executive Session at approximately 10:45 p.m.

The Council returned to Open Session at approximately 11:30 p.m.

OPEN SESSION:

Councilor President deMedeiros announced no formal action was taken in Executive Session. Councilor Mello motioned to seal the minutes of Executive Session, seconded by Councilor Chabot. Motion passed unanimously.

ADJOURNMENT:

Councilor Mello motioned to adjourn. Seconded by Councilor Sousa, motion passed unanimously. Council adjourned at approximately 11:35 p.m.

A True Copy.

ATTEST: _____

Nancy L. Mello, Town Clerk