

**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 11th day of August 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 Anthony DeSisto were also present. Town Clerk Nancy L. Mello was absent; roll call conducted by Leona Cook, Clerk.

Executive Session

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 Rhode Island General Law 42-46-5 (a) (5) re: Disposition of Real Property- Industrial Park Proposal. On a roll call vote the motion passed unanimously.

Council entered into Closed Executive Session at approximately 7:05 p.m.

Council returned from Executive Session at approximately 8:00 p.m.

Councilor Perry made a motion, seconded by Councilor Sousa to seal the minutes of Closed Executive Session. Motion passed unanimously.

Councilor Pelletier made a motion, seconded by Councilor Perry to direct the Town Administrator and Town Planner to act in accordance with the motion that was made in 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 Perry requested removal of items CA1a through d, various Town Council minutes.

Councilor Perry made a motion to Approve the rest of the Consent Agenda. The motion seconded by Councilor Pelletier passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

e. Approval of Executive Session Minutes July 27, 2015

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

a. Library Board of Trustees

A-3-Correspondence – Receive and File:

a. General Auto Recycling, Inc. Weekly Reports (2)

b. Kevin Flynn, Associate Director Statewide Planning – RhodeMapRI Frequently Asked Questions

c. Town of Exeter Resolution in support of Quonset air Museum

A-4-Approval of Tax Assessor Abatements

A-5-Denise Saurette, Treasurer – Quarterly Budget Report Summary for June 30, 2015 Provided to Division of Municipal Finance and Auditor General

A-6-Town Administrator – Police and Fire Overtime Reports for July

A-7-Town Administrator – Department Monthly Reports for July

A-8-Kate Michaud, Administrative Officer – July Activities Report

BUSINESS BROUGHT BEFORE THE COUNCIL

CA1a-Approval of Regular Council Meeting Minutes June 8, 2015

CA1b-Approval of Regular Council Meeting Minutes June 22, 2015

CA1c-Approval of Regular Council Meeting Minutes July 13, 2015

CA1d-Approval of Regular Council Meeting Minutes July 27, 2015

Councilor Perry recalled a conversation from the last meeting regarding appointments, cited various portions of the minutes. Some people were appointed right after being interviewed; some applying for reappointments were unable to attend, not interviewed but were reappointed. Questioned how some were appointed weeks later but some done right away. President deMedeiros, as explained to her, if one person was eligible and there were no other requests, that appointment was usually done. If there was more than one request then the practice was to appoint at the next meeting. Councilor Pelletier noted under the Governance and Boards and Commissions policy the Council can make exceptions. Councilor Perry suggested being consistent with appointments. Councilor Sousa opined the Council not bound by the Governance policy because of the State Constitution. Solicitor DeSisto explained the Council adopted rules and regulations in 2012, those continue on. It is not an ordinance, stays in effect until changed by the Council. The State Constitution does not apply here President deMedeiros noted the Governance and Boards and Commissions are further down in the agenda for discussion.

Councilor Perry made a motion, seconded by Councilor P. Mello to Approve items CA1a, b, c and d Council meeting minutes. Motion passed unanimously.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

ADVERTISED PUBLIC HEARINGS

B-1-Jane Bitto, Evelyn’s Restaurant – Public Hearing for Sound Variance For Outdoor Music Event “Singing Out Against Hunger “To Take Place On Friday, September 11th and Saturday, September 12th from 11:00 am to 9pm and Sunday, September 13, 2015 from 11:00am to 8pm

NON ADVERTISED LICENSE

C-1-Jane Bitto, Evelyn’s Restaurant – Request for Special Event Entertainment License for Outside Music Event “Singing Out Against Hunger “ On Friday, September 11th and Saturday, September 12th from 11:00 a.m. to 9pm and Sunday, September 13,2015from 11:00a.m. to 8pm

President deMedeiros questioned if the Friday hours would be the same as Saturday, Mrs. Bitto explained the event would actually start later at 5 pm but run to the same time. The event is the same as last year, no changes. President deMedeiros called for comment from the public three times. Police Chief Thomas Blakey noted there were no problems last year; a police officer will assist for traffic safety. Councilor Lambert suggested taking item C1, the request for a Special Event Entertainment License for Outside Music at the same time as the request for the Sound Variance.

Councilor Lambert made a motion, seconded by Councilor Sousa to Grant the Sound Variance under B1, Sound Variance For Outdoor Music Event “Singing Out Against Hunger “To Take Place On Friday, September 11th and Saturday, September 12th from 11:00 am to 9pm and Sunday, September 13, 2015 from 11:00am to 8pm as well as under C1, grant a Special Event Entertainment License for Outside Music Event “Singing Out Against Hunger “ On Friday, September 11th and Saturday, September 12th from 11:00 a.m. to 9pm and Sunday, September 13,2015from 11:00a.m. to 8pm. Motion passed unanimously.

B-2-Lisa Machado, Coastal Roasters – Public Hearing for Sound Variance For Outdoor Music Event “Singing Out Against Hunger “To Take Place On Saturday, September 12th and Sunday, September 13, 2015 from 9:00am to 1:00pm

NON ADVERTISED LICENSE

C-2-Lisa Machado, Coastal Roasters – Request for Special Event Entertainment License for Outdoor Music Event “Singing Out Against Hunger “ To Take Place On Saturday, September 12th and Sunday, September 13,2015 from 9:00am to 1:00pm

Councilor Perry suggested moving up item C2, request for a Special Event Entertainment License to coincide with B2. President deMedeiros opened the hearing for public comment, calling three times.

Councilor Lambert made a motion, seconded by Councilor Chabot to Grant a the Sound Variance for Outdoor Music Event “Singing Out Against Hunger “ for Lisa Machado, Coastal Roasters to take Place on Saturday, September 12th and Sunday, September 13,2015 from 9:00am to 1:00pm and to join fore with item C2, Special Event Entertainment License for Outdoor Music Event “Singing Out Against Hunger “for Lisa Machado, Coastal Roasters, same dates and times. Motion passed unanimously.

B-3-Tiverton Land Trust – Public Hearing for Sound Variance Special Event/Outdoor Entertainment for Event “Country Day at Pardon Gray” To Take Place On Saturday, September 26, 2015 from 10:00am to 4:00pm - Rain Date of Sunday, September 27th

NON ADVERTISED LICENSE

C-3-Tiverton Land Trust – Special Event/Outdoor Entertainment License for Event “Country Day at Pardon Gray” To Take Place On Saturday, September 26, 2015 With Rain Date of Sunday, September 27th from 10:00am to 4:00pm

Councilor Perry made a motion, seconded by Councilor Pelletier to move up item C3, Special Event License request to coincide with item B3, request for a Sound Variance. Motion passed unanimously.

President deMedeiros opened the public hearing, called for comment three times.

Councilor Lambert made a motion to Grant a Sound Variance Special Event/Outdoor Entertainment for Event “Country Day at Pardon Gray” To Take Place On Saturday, September 26, 2015 from 10:00am to 4:00pm - Rain Date of Sunday, September 27th to the Tiverton Land Trust and join there with the request for Special Event/Outdoor Entertainment License for Event “Country Day at Pardon Gray” from the Tiverton Land Trust for the same date and time. Motion passed unanimously.

B-4- Sam Shuford – Church Community Housing Corporation Small Cities Community Development Block Grant Application - First Public Hearing

Sam Shuford, Church Community Housing assists the Town with the Community Development Block Grant (CDBG) application program. This is the first public hearing to solicit input from the citizens of the Town for the Town’s 2015 CDBG application. The Town is considering filing an application for a maximum of \$250,000 to undertake a range of activities including improved housing opportunities for low and moderate income families and individuals, for provision of employment opportunities for low and moderate income persons and for provision of community facilities and services principally benefitting low and moderate income families and

individuals. Several changes to the program include set asides, 25% for affordable housing program, 25% for economic development, 20% for residential rehabilitation and 10% for homelessness. The State also proposed Regional Activity which would consolidate regional activities under one lead community which the Town might be asked to do. In that case an additional \$5k would be shifted to the lead community. In the past the Town has received requests from the Women's Resource Center, East Bay Community Action as well as several others.

President deMedeiros called for Council comments. Councilor Sousa questioned if the Town Administrator considered asking for sewers for the Senior Center from Main Road. Administrator Wojcik explained has a letter of intent for the Senior Center to run across from Main Road to the east side of Canonicus. The Senior Center has a cesspool that has to be replaced by 2017. Councilor Sousa questioned if that could be part of economic development for those businesses on Main Road. Administrator Wojcik was looking at other federal sources cannot use CDBG as a match for other federal programs. The residential component would fall under the Tiverton Wastewater District (TWD) and the businesses on Main Road under CDBG will look into that possibility. President deMedeiros opened for comments from the public. Susan Schenck, Chief Operating Officer for East Bay Community Action Program, requested to be considered for inclusion, requesting funding for supplies for the community dental program, tuition costs for training for the employment training program. Will also be asking for the same thing from all six communities. Lori DiPersio, from the Women's Resource Center which serves victims and families of domestic violence. Thanked the Council for past support, would be submitting an application to rebuild the porch on Touro Street in Newport which is the drop in center. Sarah Stearns, Superintendent of the TWD requested Council support to apply for funding to expand sewers in the North end in the eligible CDBG district census tract to design a program from Hooper Street to Shove Street to Main Road, 1200 feet of sewer line. Steve Ostiguy, Executive Director Church Community Housing, requested \$20,000 for administration of the regional Revolving Loan program for home rehabilitation, support for the Housing Hotline, support for housing development and for funding for a planning grant, CDBG area has been expanded to Durfee Road, have been working with a master plan from 1990, for an amount to be determined. Mr. Ostiguy explained the Economic Development portion is only for loans to businesses to increase jobs, not for the Town to use for sewers for the Senior Center. This is the first of two public hearings; the second one will state what is being applied for. President deMedeiros called for additional comment, hearing none closed the public hearing.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

ADVERTISED LICENSES

4-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 July 27th

a. Daniel Murphy, Assistant Deputy State Fire Marshal TFD - Recommendation

b. Building/Zoning Official - Recommendation

Fire Chief Robert Lloyd explained the plans were reviewed by Daniel Murphy, Assistant Deputy State Fire Marshal had some questions not primary to the business, was in agreement of the plans submitted. Discussion followed about concerns regarding this establishment. Chief Blakey explained the applicant first came before the Council on 9/8/14 for this license, Chief Blakey objected at the time. The applicant worked at Jake's Saloon in Fall River, a liquor establishment, did not want those patrons coming here. Assured by the applicant that is not the intent with this business. Chief Blakey expressed concerns about noise, parking, hours of operation and the closing of any establishment, concerns from the neighbors as well. President deMedeiros noted a recommendation from Neil Hall, Building/Zoning Official was also received recommended a maximum capacity of 64 people. Attorney Cort Chappell, representing the applicant Bethany Shaker, explained have 40 seats, zoning official recommends 64. Conferred with Laura Ferreira regarding parking in Fall River, State Street is city owned, legal parallel parking permitted. As to hours of operation, suggest 11pm closing, meaning everyone has to be out of the building by that time, reserve the right to come back to request extended hours. Chief Blakey discussed with Ms. Shaker on May 21 the hours of operation which she proposed to be as follows: Monday to Thursday from 11am to 10pm, Friday and Saturday from 11am to 11pm and on Sunday from 11am to 10pm. Councilor Sousa questioned the restricted hours, by State law can be open until 1am.

Solicitor DeSisto made clear the Council has the authority to limit the amount of hours this establishment is open, can increase, and have the right to limit if the Chief makes a recommendation. Attorney Chappell recognized those concerns, reminded this will be a family oriented establishment. Councilor Pelletier noted every establishment is different, not all are open until 1 am. Councilor Lambert requested Chief Blakey's recommendation. Chief Blakey was in agreement with the hours the applicant requested when they spoke, she intends to operate a family oriented restaurant, not an alcohol establishment. President deMedeiros noted other restaurants have limits. Councilor Lambert wanted a clear understanding on the occupancy as pertains to a restaurant. Attorney Chappell recalled at the last meeting, the number could be 100, did not want to restrict too much, forty seats have been approved. Councilor Lambert questioned at what time liquor stops being served. Solicitor DeSisto explained according to the DBR, rules and regulations State advisory board, alcohol stops being served one half hour before closing time. Two other key items here, one is parking, based on zoning requirements would be 64 and the other key is the number of people based on the onsite wastewater treatment system. President deMedeiros noted the parking lot across the street that had been used for years was sold to someone else, is not part of this parcel. Attorney Chappell explained every restaurant not served by a sewer system receives a certificate from DEM, approved for a 40 seat restaurant. This is the same system as approved before when it was a substantially larger restaurant. Councilor Pelletier explained DEM gives capacity based on the number of people. T/A Wojcik noted the wording recommendation from the Building Official, the allowable number of occupants as per the OWTS (Onsite Wastewater Treatment System) is forty (40).

Attorney Chappell disputed the number of occupants as being 40, could have 20 people sitting in the lounge. Councilor Pelletier questioned capacity, wanted to make sure the system was adequate for the number of people expected to be there. Councilor Lambert suggested requesting an engineer's report to take a look at the system, want to know the occupancy could be based on the septic system assuming the OWTS if functionally appropriate. Attorney Chappell explained, when approved for a victualling license need Department of Health (DOH) and DEM approval, both have to sign off. On 4/3/15 received approval from DEM on the System Suitability Determination Application for 1,521 gallons per day for a 3,000 gallon tank. Attorney Chappell handed out a copy to this report to Solicitor DeSisto. Councilor Perry questioned why the plans include an arcade. Attorney Chappell explained this was a large building, in order to bring the capacity down, space was filled with tables, put in a half wall and a kids area. Councilor Perry counted the number of seats based on the floor plan, came up with 69. Attorney Chappell picked 100 as an arbitrary number, sees capacity between 65 and 85. The number 40 is based on DEM requirements, can have more than that in the building. Councilor Lambert requested a document from some official regarding the allowable number of people. Solicitor DeSisto questioned how long it would take for DOH to sign off. Attorney Chappell explained they have to inspect, need to do renovations estimate 60 days. DEM comes down after the finished materials are on the wall then the Fire Department comes back and only then, probably about two weeks. Solicitor DeSisto suggested if the Council determines to grant this license, then grant subject to receipt of documents from DOH, DEM and all other things a restaurant needs to open up so the license is granted but not issued. Attach two conditions, the hours and the amount of seating, taking the most conservative view. If 40 is too small there will be time for this to be easily proved, would agree with whatever the Council says they are allowed to do to go forward. Solicitor DeSisto noted the license could be modified later on. Councilor Pelletier was comfortable with granting subject to contingencies, if 40 is the most reasonable, then another dozen or so people around the bar would be reasonable to say 55. Attorney Chappell was amenable, at 55 makes sense to go forward.

Councilor Pelletier made a motion to Grant but not issue a Victualling and a BV License to Riptides Sports Grille, Inc., 1 Bay Street subject to the receipt of DOH certification, Building code certifications, certificate of occupancy and evidence of capacity of the septic system, limited to 55 and the agreed upon hours of operation, Monday to Thursday from 11:00 am to 10:00pm, Friday and Saturday from 11:00 am to 11:00 pm and Sunday from 11:00 am to 10:00 pm. The motion was seconded by Councilor Lambert, discussion followed. Councilor Sousa pointed out there was an engineer's stamp on the plan. Councilor Chabot was concerned about parking, could parking be restricted to residents along Bay Street? Chief Blakey noted to restrict to residents was problematic. Attorney Chappell agreed to post signage, Councilor Pelletier noted that could be done upon

renewal. Councilor Chabot noted other restaurants are not questioned for capacity for wastewater, just wants to move this forward. Motion passed unanimously.

At this time, 9:30 pm, President deMedeiros called for a ten minute break.

D-APPOINTMENTS & RESIGNATIONS:

1. Tree Commission – Two Vacancies – Four Year Term to 4/15/2019

a. Tom Molinski, 122 Thomas Street – New Appointment Request

b. MJ Downing, 128 Captains Circle – New Appointment Request

Tom Molinski was not present, interviewed at last meeting for Conservation, at that time informed the Council would also be applying to be on the Tree Commission. MJ Downing was very conversant in trees, self-taught botanist, sensitive to the environment, like to increase awareness. Solicitor DeSisto noted under Section G of the Boards and Commissions policy under normal circumstances the Council will not make appointments until the meeting following the meeting after all interviews. President deMedeiros noted these appointments would be made at the next meeting.

2. Planning Board – (2) 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 – Previously Interviewed

d. Jonathan A. Cottrell, 35 Main Road – Withdrawn

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

f. Christine E. Ryan, 108 Driftwood Drive – New Appointment Request – Previously Interviewed

President deMedeiros noted all candidates were previously interviewed except for Marc Pfeiffer. Mr. Pfeiffer was away on vacation at the previous meeting and works as a director of marketing for a local RI manufacturer. Concerned about the future of Tiverton, not sure the community could support a very large business. Difficult to start a business in this State, is important to make it easier. Any business should fit the character and landscape of the Town. Have some great opportunities to expand business if done correctly. Mr. Pfeiffer has reviewed the Comp Plan, has some experience in development, and understands the process. President deMedeiros noted these appointments would be taken up at the next meeting.

Solicitor DeSisto explained under Section 12G, for the Boards after the last interview these roll over to the next agenda; was concerned from a legal standpoint about the appointment to the Planning Board from the last meeting. Requested the Council re-vote the appointment of Peter Moniz, concerned about a split vote and any appeals that may come. Could be an issue if there is 5-4 vote on the Planning Board; strongly recommend a re-vote, just trying to remove issues. Councilor Lambert noted this could be creating another issue. Solicitor DeSisto opined exposure would be greater if there is no re-vote, creates consistency. Under Section 12 G there is an exception, was employed at the last meeting, the motion should have been made, under normal circumstances. If there was a vacancy that creates a quorum issue then it could have been voted at that meeting, the prudent way to go is to re-vote. President deMedeiros suggested for the next meeting to put in every nomination with a second, get all the nominations lined up and then vote instead of trying to be the first one to motion. T/A Wojcik noted if deferring to Robert's Rules all nominations are received, entered, closed and then voted on. Mike Burk questioned the Solicitor on procedure, if this would be a vote to reconsider Mr. Moniz. Solicitor DeSisto was not asking for a true reconsideration as it would be defined under Robert's Rules, opined under rule 12 G, procedurally needs to be re-voted.

Councilor Pelletier questioned what would happen if the outcome was different. Solicitor DeSisto explained, concerned if the appointment was not done according to 12G would be void abinsencia or void when it was made which is why a re-vote is being requested. Robert's Rules are not referred to in the Board's policy or the Charter so that issue can be raised at any time. President deMedeiros explained at the next meeting nominations will come up

3. 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

Mr. Doucet had been unable to attend the two meetings prior to this one due to work obligation and vacation with family. Mr. Doucet read a letter dated July 21, 2015 he previously submitted to the Council. Primary goal as first alternate was to build a record and to arrive at a conclusion. Needed to interpret the zoning ordinance for a petition. Councilor Perry agreed the zoning ordinance needs to be adhered to, looking for someone with common sense. Councilor Lambert agreed was looking for someone with common sense interpretation. Mr. Doucet explained the alternates have to be ready for every meeting, does not get to vote unless sitting in for someone else, can comment on the items on the agenda. President deMedeiros noted alternates sit for only one year, will take this appointment up at the next meeting.

4. Art's Council Resignation – James Pelletier, 104 Bonniel Drive

Mr. Pelletier explained he only planned to stay on this committee until some other people were appointed.

Councilor Sousa made a motion, seconded by Councilor Pelletier to Accept the James Pelletier's Resignation with regret. Motion passed unanimously.

Councilor Chabot appreciated his efforts on the Arts Council, at the time needed a quorum, Mr. Pelletier stepped up until other members could be appointed, thanked him very much.

At this time, 10:30 pm President deMedeiros noted a vote was needed to continue the meeting.

Councilor Pelletier made a motion, seconded by Councilor Sousa to suspend the Rules for a three and one half hour meeting in order to continue past 10:30 pm. Solicitor DeSisto explained the adjournment time can be suspended by rule with a 2/3 vote. Motion passed on a vote of 6-1, Councilor Perry opposed.

E-UNFINISHED BUSINESS:

There were no items for Unfinished Business.

F-FINANCIAL BUSINESS:

There were no items for Financial Business.

G-NEW BUSINESS:

1. Town Administrator – Request Approval of Amendment to Contract for Mary Lou Sullivan, Executive Administrative Assistant to the Town Administrator - Salary Increase from \$22.35 Per Hour to \$22.91

Administrator Wojcik explained Mrs. Sullivan is a non-union employee of the Town, does not receive longevity or other union benefits. The increase was approved by the Financial Town Referendum (FTR), requesting Council approval.

Councilor Perry made a motion to Approve the Salary Increase for Mary Lou Sullivan. Seconded for discussion by Councilor Sousa, questioned if this increase fell in line with other employees. T/A Wojcik explained this was in keeping with other base salaries. Motion passed unanimously.

2. Town Administrator – Community Septic System Loan Program

Solicitor DeSisto noted there would be a meeting to finalize the documents, will pass onto the Administrator for a signature, this program can go as of Thursday, August 13. T/A Wojcik explained this is a low interest loan program through the Clean Water Finance Agency, usually done by the Tiverton Wastewater District. Have to again submit the paperwork for this program. Councilor Sousa commented on the importance for residents to know they have up until 12 months after the sale of the property to replace. Councilor Chabot noted this program

was for cesspools, not septic systems. T/A Wojcik noted the program is to achieve compliance with the Cesspool Phase Out Act and sewer tie in. Councilor Sousa was concerned for senior citizens; this new act takes the threat away immediately. T/A Wojcik agreed, in some cases the new act has expanded the coverage. T/A Wojcik explained municipal buildings are addressed by use category, the cesspools at Fogland and Grinnell's because of being within 200 feet of water have to be replaced by 2017. The Senior Center has a non-residential system, also has to be replaced by 2017. T/A Wojcik noted this was just for acknowledgement; no action by the Council was needed.

Administrator Wojcik acknowledged the Town of Tiverton/McGeough's Turf Management for turf management, received a Certificate of Participation from DEM.

Referred to an earlier discussion on the matter of enforcement, go by what DEM reports. Need to be consistent for everyone who comes before the Town Council, need the quickest answer not only for the applicant but to provide a stable predictable environment.

H-BIDS AND REQUESTS FOR PROPOSALS:

There were no items for Bids and Requests for Proposals.

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

Barbara Pelletier commented on the broken picnic bench, only one side was usable. Suggested getting the word out looking for a gently used picnic bench, DPW could pick it up. Councilor Perry added, Grinnell's bench was in the same condition, T/A Wojcik noted he was aware, was on it.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Councilor Perry – Update on Comprehensive Plan Advisory Committee Progress Discussion and Vote for Committee Officers

Councilor Pelletier communicated with the committee Chair, Cecil Leonard, was advised this committee is almost done with their recommendations which will be forwarded to the Planning Board. Councilor Perry noted several members of that committee are no longer on it including Steve Hughes, Kate Michaud and Bill Gerlach. Councilor P. Mello explained this is a sub-committee that was given separate sections to rewrite. Councilor Perry noted no minutes have been submitted for these meetings. Solicitor explained if there were meetings then they must do minutes. Councilor Chabot explained this was an advisory committee, makes changes, goes to the Planning Board for review, they make recommendations to the Town Council. Solicitor DeSisto explained the minutes should have any motions, the subject discussed, any votes taken, the time and place of the meeting. If a public body fails to take minutes it is a violation of the Open Meetings Act, there are penalties. Councilor Pelletier noted the Council does not know if minutes were not taken, need to find out. Solicitor DeSisto explained a committee has 30 days to file minutes can be extended to 60 days. Councilor Perry just wanted the minutes, Councilor Lambert agreed, wants the process to move along.

2. Councilor Perry – Update on Cy Pres action – Discussion of Future use or Disposition of Essex Library

Councilor Perry recalled the slight discussion from the last meeting regarding the future of the Essex Library, some talk about using it for Municipal Court. Solicitor DeSisto had reviewed documents from the previous Solicitor, suggested rather than a Cy Pres action the Council could file a Declaratory Judgement action according to section 9-30-1 of the General Laws. Once a positive ruling from the Court is made then can discuss future disposition.

Councilor Perry made a motion to Authorize the Solicitor to file a Declaratory Judgement action to clear any clouds to the title for the Essex Library. Motion was seconded by Councilor Lambert, discussion followed. Councilor Sousa questioned if there were calls regarding the sale of that property. T/ A Wojcik's assistant

received a call, was a miscommunication error. It is up to the Council to direct the Administrator, is a significant historical building for the Town. The FTR gave the Council the ability to dispose of several buildings for 3 years, suggest doing a sealed bid auction similar to the Judson Street building sale. Councilor Pelletier was opposed to the sale of Essex would not support. Councilor Sousa suggested anyone who has an idea or interest in that building to contact the Administrator. Motion passed unanimously.

3. Councilor Perry – Update on New Trash/Recycle Receptacles

Councilor Pelletier explained the receptacles were not for the beaches just for Town Farm, Town Hall and Pocasset. T/A Wojcik noted not all the receptacles were in place, waiting for forms to be poured.

4. Councilor Perry – Request Town Administrator Prepare Specifications of Council Chamber Sound System for Bidding Process

Councilor Pelletier updated, one mic was not plugged in, when the system was tested it was not reset back to original settings. Found a break in one of the cables, disabled that mic, still need a sound system. Have talked to a sound engineer, will have some numbers at the next meeting, will reconfigure what is here, costs less than \$2,000.

5. Council President Denise deMedeiros - Discussion and Possible Votes

a. Governance Policy

b. Boards and Commission Policy

President deMedeiros, due to the late hour suggested discussing on the next agenda. Requested having a Special Meeting next Monday for Executive Session to discuss Four Corners. Questioned the Solicitor if appointments could be put on that agenda. President deMedeiros polled the Council; consensus was to have a Special Meeting on Wednesday, August 19. Will put Executive Session first then the appointments for Boards and Commissions. The Governance Policy will be put on the next agenda.

President deMedeiros recapped important dates regarding the Twin River Casino proposal. Mark Russo, attorney for Twin River had been in attendance earlier in the meeting. The meeting dates were as follows: September 10, first charrette at the High School at 7pm, Saturday, September 12, Countryview Estates from 2-4 pm, September 15, Regular Council meeting at Tiverton High School inviting Lincoln public safety officials to answer Council questions, September 22, third and final charrette at 6:30 pm at Tiverton High School, September 28, Regular Council meeting at the High School, invitation to Lincoln Council and officials to speak to and answer questions from the Council. Tuesday, October 13 is a Regular Council meeting at the High School; Casino officials offer developmental concepts from community input and on November 9, Regular Council meeting at the High School for Council discussion on whether to put in a resolution. President deMedeiros will be extending invitations to those Lincoln officials as requested by Mr. Russo.

Councilor Lambert announced at the request of Barbara Pelletier a grant has been received for the next two years for \$50k for the spaying and neutering of feral cats. Inserts will be placed in the PAYT bundles explaining the program. Mrs. Pelletier can be contacted at 401-624-9562 for information or issues regarding feral cats. Councilor Sousa received several letters, emails thanking him for his vote on the Sousa Road project. Councilor Sousa noted talk of bridge tolls again, urged everyone to contact local Representatives and Senators to object. Councilor Chabot let boaters know this weekend in Fall River there will be a boat race that may shut down boating from the Braga Bridge to the Mount Hope Bridge.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Enabling Resolution to Create Ad Hoc Committee Regarding Seaside Gas Station

Solicitor DeSisto, as requested, drafted a Resolution creating an Ad Hoc Committee for Seaside Gas Station.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Resolution Creating Ad Hoc Committee regarding Seaside Gas Station with a note this committee has a fairly early sunset clause next year. Motion passed on a vote of 6-1, Councilor Chabot opposed.

Councilor Pelletier will put on the next agenda for Councilors appointed to this committee.

2. Notice of Right to Sue: David Leroy Addison, Complainant Against Tiverton Housing Authority

Solicitor DeSisto explained this Notice of Right to Sue is the end process, was sent to the Town. The Housing Authority is a separate government entity, would like the Council's permission to communicate that fact to the Human Rights authority and to the Complainant, do not want them to think the Town is in any way liable here.

Councilor Perry made a motion, seconded by Councilor Pelletier to Authorize the Solicitor to contact the Human Rights Commission and the Complainant referenced to inform them the Town is not involved in this and has no liability whatsoever. Councilor Sousa questioned why this was needed, should not respond. Solicitor DeSisto wanted it to be clear the Town has no liability in this matter. The motion passed on a vote of 6-1, Councilor Sousa opposed.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

There were no Town Clerk items or announcements.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor – 42-46-5(a) (2) - Litigation – McLaughlin vs. Town of Tiverton

2. Town Solicitor – 42-46-5(a) (2) – General Litigation Update

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2) - Litigation – McLaughlin vs. Town of Tiverton. On a roll call vote, motion passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – General Litigation Update. On a roll call vote the motion passed unanimously.

The Council entered into Executive Session at approximately 11:20 p.m.

The Council returned to Open Session at approximately 12:15 a.m.

OPEN SESSION:

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

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

ADJOURNMENT:

Councilor Pelletier motioned to adjourn, seconded by Councilor Sousa.

Motion passed unanimously.

Council adjourned at approximately 12:20a.m.

Minutes compiled by Leona Cook, Clerk and reviewed by the Town Clerk, Nancy L. Mello.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk