

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Meeting on Wednesday, the 19th day of August 2015 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

MEMBERS PRESENT:

Council President deMedeiros, Vice President Chabot, Councilor Lambert, Councilor Mello, Councilor Pelletier, Councilor Perry and Councilor Sousa.

Town Administrator Matthew Wojcik and Town Solicitor Stephanie Federico were also present

Call to Order

A - APPOINTMENTS & RESIGNATIONS:

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

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

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

Councilor Perry made a motion, seconded by Councilor Sousa to Appoint Tom Molinski, 122 Thomas Street and MJ Downing, 128 Captains Circle to the Tree Commission each for a four year term to 4/15/2019. Motion passed unanimously.

2. Planning Board – (2) Three Year Terms to 7/15/2018

a. Peter Moniz, 83 Captain's Circle – Previously Interviewed

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

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

d. Mike Burk, 67 Durfee Road – New Appointment Request – Previously Interviewed

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

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

Council President deMedeiros read the list of names for the Planning Board appointment/reappointment. President deMedeiros noted the number of vacancies should be 3 not 2 as shown in the topic heading. At the last meeting as discussed with no objections, names will be placed for nomination first; voting will follow in order of the nominations.

President deMedeiros nominated Carol Guimond, seconded by Councilor P. Mello.

Councilor P. Mello nominated Mike Burk, seconded by Councilor deMedeiros.

Councilor Pelletier nominated Christine Ryan; there was no second for this nomination.

Councilor Lambert questioned if Peter Moniz was a member of the Planning Board at this point. President deMedeiros noted Solicitor DeSisto at the last meeting opined Mr. Moniz should be re-nominated tonight.

Councilor Perry nominated Peter Moniz, seconded by Councilor Lambert.

Councilor Chabot nominated Rosemary Eva, seconded by Councilor Sousa.

Councilor Pelletier nominated Marc Pfeiffer, seconded by Councilor P. Mello.

The motion for Carol Guimond was unanimously approved.

The motion for Mike Burk failed on a vote of 3-4, Councilors Sousa, Lambert, Chabot and Pelletier opposed.

The motion for Peter Moniz was approved on a vote of 4-3, Councilors P. Mello, deMedeiros and Pelletier opposed.

The initial motion for Rosemary Eva failed on a vote of 3-4, Councilors Perry, Lambert, deMedeiros and Pelletier opposed. At this point Councilor Perry wished to change his vote. President deMedeiros noted that would be taken up after all nominations have been voted on. Solicitor Federico explained the motion to reconsider would have to be made by someone from the prevailing side.

The motion for Marc Pfeiffer failed on a vote of 3-4, Councilors Sousa, Perry, P. Mello and Chabot opposed.

Councilor P. Mello motioned to reconsider Rosemary Eva, seconded by Councilor Sousa. President deMedeiros explained the motion would have to come from someone on the prevailing side. Councilor Perry motioned to reconsider Rosemary Eva, seconded by Councilor P. Mello, President deMedeiros noted Councilor P. Mello was not on the prevailing side, therefore could not second this motion. Councilor Pelletier motioned to reconsider Christine Ryan, there was no second. Councilor P. Mello motioned to reconsider Marc Pfeiffer, there was no second. Councilor Sousa requested someone who voted against Ms. Eva to reconsider, would like to see Ms. Eva on the Planning Board, has worked on this board for the Town for years. Councilor Lambert opined Ms. Eva to be a fine person, was a matter of discretion, Councilor Lambert was voting for someone he could support. Councilor Pelletier noted Ms. Ryan would be an asset to the Town, questioned why the motion was not supported. Councilor P. Mello opined Ms. Ryan would have conflicts as a member of the board of the Land Trust. Councilor Pelletier noted Ms. Ryan was well qualified, have worked around other conflicts within legal parameters.

President deMedeiros, as someone on the prevailing side nominated Christine Ryan, seconded by Councilor Pelletier; motion failed did not receive any other votes. Councilor Chabot noted Ms. Eva has worked on various committees, has institutional knowledge, has held people to task. Councilor Chabot questioned why Ms. Eva's term expired in October was appointed in September of 2012. Town Clerk Nancy Mello explained the term expired in accordance with the Boards and Commissions policy that was previously adopted; the date of the term was in error. President deMedeiros noted there was a motion and a second on the floor. Solicitor Federico clarified, the motion needs to be made by a member on the prevailing side, the motion can be seconded by anyone.

Councilor Perry motioned to reconsider Rosemary Eva, seconded by Councilor P. Mello. The motion passed on a vote of 4-3, Councilors Lambert, deMedeiros and Pelletier opposed.

President deMedeiros recapped, Peter Moniz, Rosemary Eva and Carol Guimond were appointed/reappointed to the Planning Board.

Councilor Lambert commented could have 192 residential properties along the north end of Souza Road, objected to the large number of residential properties.

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 – Previously Interviewed

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

President deMedeiros, originally on the prevailing side of the vote to appoint Mr. Alzaibak as First Alternate, motioned to reconsider. Seconded by Councilor Perry, President deMedeiros explained the reason she did not vote for Mr. Alzaibak initially was because of procedure, believed the vote should be taken at the next meeting. Councilor Pelletier questioned why Mr. Doucet was not being nominated. President deMedeiros explained, this board needs some bend, Mr. Doucet was opposed to everything the Council President was in favor of. Councilor Lambert noted an issue was raised at the last meeting regarding appointment of the alternates. Councilor Lambert had spoken to the Solicitor, will be proposing a change to Section 1002 of the Town Charter. President deMedeiros read Section 1002 (a), the Zoning Board of Review shall consist of five (5) members plus two (2) alternates appointed by the Town Council from among the electors of the Town, for a term of five (5) years. Said terms shall be staggered so that no more than one (1) will expire in any given year. Alternates, appointed for a term of one (1), may sit on the Board, etc. The Council President agreed with how the Town Clerk has followed these reappointments, 5 members and 2 alternates, terms staggered so not more than 1 term expires in a year. Solicitor Federico cited RIGL 45-24-56, enabling legislation for the Zoning Board of Review, subsection (b), The zoning board of review consists of five (5) members, each to hold office for the term of five (5) years; provided, that the original appointments are made for terms of one, two (2), three (3), four (4), and five (5) years, respectively. The zoning board of review also includes two (2) alternates to be designated as the first and second alternate members, their terms set by ordinance, but not to exceed five (5) years. Solicitor Federico made two points, the alternates terms are to be set by ordinance not as designated in the Town Charter. The enabling legislation, is clear, terms are staggered for no more than one year apart. President deMedeiros noted Councilor Lambert's agenda request on this topic will be on the next agenda for further discussion. Councilor Perry commented on some of the 63 pages of documents from the zoning board meeting. Mr. Doucet attended and councilor Perry read some of his comments. Councilor Pelletier disagreed, still did not understand why Mr. Doucet should be removed. President deMedeiros moved the vote, motion passed on a vote of 5-2, Councilors Chabot and Pelletier opposed.

Councilor Pelletier nominated Alan Doucet to fill the Second Alternate position. Seconded by Councilor Chabot the motion failed 3-4, Councilors Sousa, Perry, Lambert and deMedeiros opposed.

4. Art's Council - One Vacancy – Unexpired Term to 4/15/2017

a. Robert Busse, 40 Hope Street – New Appointment Request

Mr. Busse moved back to Tiverton, has owned several businesses, does designing, social networking. President deMedeiros explained the Council will consider this request at the next meeting.

5. Seaside Gas Station Ad Hoc Committee – Committee Sunsets January 1, 2016

a. Appointment of Two Council Members

b. Appointment of a Chair, Vice-Chair and Secretary

- **Harbor Commission Representative - David E. Stewart**
- **Recreation – Susan Gill**
- **Economic Development – Melissa Hutchinson**

President deMedeiros called for volunteers from the Council for this committee. Councilors Pelletier and Lambert volunteered, would be ex-officio members.

Councilor deMedeiros made a motion, seconded by Councilor P. Mello to Appoint Councilor Pelletier and Councilor Lambert to the Seaside Gas Station Ad Hoc Committee. Motion passed unanimously.

Regarding the appointment of a Chair, Vice-Chair and Secretary, Town Clerk Mello explained the names listed were the known representatives from those committees, still waiting to hear from Conservation. Trish Hilton, Conservation Chair informed the Council she would be the representative from Conservation. If Peter Moniz was going to be appointed tonight, then he would be the representative from the Planning Board. Councilor Pelletier noted the Seaside Resolution needs to be amended to remove the designee from the Wastewater Commission, will put on the next agenda.

Councilor deMedeiros nominated Trish Hilton as Chair of the Seaside Gas Station Ad Hoc Committee. Seconded by Councilor P. Mello motion passed unanimously.

Councilor Pelletier nominated Dave Stewart as Vice-Chair, seconded by Councilor Sousa passed unanimously.

Councilor Sousa nominated Susan Gill as Secretary, seconded by Councilor Perry passed unanimously.

Councilor Perry questioned if this committee needs to submit minutes. Solicitor Federico reviewed opinions from the Attorney General, if a committee qualifies under RIGL 42-46-7, all public bodies shall keep minutes which include the date, time, place, members of the body present or absent, votes taken by the body and any other information of the public body requested to be part of the record. For a subcommittee on whether it is a public body is not a white line rule but will look to other factors including the manner created, scope, power and nature of the membership.

B - EXECUTIVE SESSION:

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

Councilor Sousa questioned why it was necessary to go into Executive Session for this item. Solicitor Federico explained this allows the Council to discuss litigation strategy that should not be discussed in public would need to receive approval from the Council to file suit. President deMedeiros had consulted with the Solicitor on this issue, not all being discussed is about zoning. Councilor Sousa asked the Council to not consider going into Executive Session to discuss a report from a public official. The Council President was advised by the Solicitor to discuss this in Executive Session. Councilor Sousa motioned to review this in open session, there was no second to this motion.

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) (2) re: Potential Litigation – Zoning Compliance. On a roll call vote the motion passed 6-1, Councilor Sousa opposed.

Council entered Executive Session at approximately 7:40 p.m.

Council returned to Open Session at approximately 9:20 p.m.

OPEN SESSION:

In Open Session President deMedeiros announced no formal action was taken in Closed Executive Session. Councilor deMedeiros motioned to seal the minutes of Closed Executive Session, seconded by Councilor Perry, motion passed unanimously.

ADJOURNMENT:

Councilor Peter Mello motioned to adjourn, seconded by Councilor deMedeiros, motion passed unanimously.

Council adjourned at approximately 9:25 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk