

**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 High School Auditorium**, 100 North Brayton Road, on the 15th day of September 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 Assistant Town Solicitor Peter Skwirz were also present.

Executive Session

- 1. Town Administrator – 42-46-5(a) (2) – Collective Bargaining IAFF**
- 2. Town Administrator – 42-46-5(a) (2) – Potential Litigation**

Councilor Lambert made a motion, seconded by Councilor Chabot to enter into Closed Executive Session pursuant to 42-46-5(a) (2) re: Collective Bargaining IAFF. On a roll call vote the 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) re: Potential Litigation. Motion passed unanimously on a roll call vote.

Council entered into Closed Executive Session at approximately 7:08 pm.

OPEN SESSION:

Council returned to Open Session at approximately 7:50 pm.

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

Councilor Pelletier made a motion, seconded by Councilor Perry to direct the Town Solicitor and the Town Administrator to act in accordance with the vote taken in Executive Session. Motion passed unanimously.

Council President deMedeiros thanked everyone for waiting.

Approval of Consent Agenda:

All items listed with “(CA) “are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President deMedeiros read the items on the Consent Agenda. Councilor Lambert requested removal of items CA1e&f, Executive Session minutes. Councilor Pelletier requested removal of item CA3a, General Auto Recycling reports and Councilor Perry requested removal of item CA3c, correspondence regarding Medical Marijuana.

Councilor Pelletier made a motion, seconded by Councilor Perry to accept the rest of the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Special Council Meeting Minutes July 07, 2015
- b. Approval of Special Council Meeting Minutes July 20, 2015
- c. Approval of Regular Council Meeting Minutes August 11, 2015
- d. Approval of Special Council Meeting Minutes August 19, 2015

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

- a. Cemetery Commission
- b. Conservation Commission (4)
- c. Library Board of Trustees
- d. Recreation Commission (2)
- e. Arts Council

A-3-Correspondence – Receive and File:

- b. Resolutions in Support of Quonset Air Museum and Opposing the Rhode Island Airport Corporation's Action to Evict, Remove or Place Quonset Air Museum and Its Artifacts in Jeopardy From Newport City Council, Cranston City Council, Pawtucket City Council, Foster Town Council, Warren Town Council, Jamestown Town Council and Little Compton Town Council.

A-4-Approval of Tax Assessor Abatements

A-5-Police and Fire Department Overtime Report for August

A-6-Shawn M. Jagmin – Request to Remove Part of Ordinance 78-71 – Lepes Road – No Parking on Lepes Road North and South From Pole 3724 to Bottom of Street – Forwarded to Police Chief and Town Administrator for Recommendation

A-7-Kate Michaud, Planning Board Administrative Officer – Activity Report for August 2015

A-8-Town Administrator – Department Monthly Reports for August 2015

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-1- Approval of Minutes of Previous Meetings:

e. Approval of Executive Session Minutes July 13, 2015

f. Approval of Executive Session Minutes August 11, 2015

Councilor Lambert requested tabling minutes of August 11th executive session to the next meeting. Notes indicated July 13th was fine.

Councilor Pelletier made a motion, seconded by Councilor Perry to table to the next meeting Approval of Executive Session Minutes of August 11, 2015. Motion passed unanimously.

CA3a-General Auto Recycling, Inc. Weekly Reports (3)

Councilor Pelletier noted Council has been getting similar reports for weeks. Questioned if progress was being made. Administrator Wojcik explained, Code Enforcement Official Neil Hall could best answer, progress on the land was satisfactory, official from the State has been making visits.

Councilor Pelletier made a motion, seconded by Councilor Perry to Receive and File CA3a, General Auto Recycling, Inc. Weekly Reports (3). Motion passed unanimously.

CA3c-Correspondence From John Pagliarini Regarding Proposed Law Relative to Grow/Distribution License for Medical Marijuana Being Contemplated by General Assembly – Referred to Town Solicitor

Councilor Perry opined this was very important to the Town, should get in front of it, do not want to see a marijuana building in Tiverton. This is referred to the Solicitor, questioned what will be done? Assistant Solicitor Peter Skwirz explained, this has been addressed in other towns, have researched and crafted to contemplate. Can adapt to Tiverton's ordinance, the bill is likely to be proposed again, would operate in a manufacturing or industrial zone. Right now it is not aimed at agriculture. President deMedeiros had discussed with Solicitor DeSisto who will get an ordinance together for the next meeting. Councilor Sousa noted there is a security problem with facilities like these, should be more security measures. Councilor Chabot would like to see the Solicitor develop language for the Planning Board to review, then send recommendations to Council.

Councilor Perry made a motion, seconded by Councilor Chabot to Accept CA3c, Correspondence From John Pagliarini Regarding Proposed Law Relative to Grow/Distribution License for Medical Marijuana Being Contemplated by General Assembly – Referred to Town Solicitor. Motion passed unanimously.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

PUBLIC PRESENTATIONS

1. John E. Taylor, Jr. Chairman Twin River Worldwide Holdings, Inc. on Proposal for Casino in Tiverton (Plat 203, Lot 111 and Plat 204 Lots 101,102,103,106,108) West Side of William Canning Blvd, Tiverton - Including Comments by Public Safety Officials From Lincoln, RI – Fire Chief Frank Sylvester and Police Chief Brian Sullivan

President deMedeiros explained the public safety officials were invited to tell the Council of the advantages or disadvantages of having a casino in Lincoln. Frank Sylvester, Fire Chief in Lincoln and former RI State Fire Marshal works in the station 1,000 feet from Twin River. Chief Sylvester opined Twin River was the best thing to happen to Lincoln and the State of RI. The State receives \$300 million and the Town of Lincoln, \$10 million from Twin River. Lincoln also gets a fire tax from them and received building plan review revenues of \$400,000, enough to buy a fire truck. As far as safety, they cover every avenue possible, have 3,000 cameras. The department is always notified about shows, opined it would be a win/win for Tiverton has also assisted with requests for fundraisers. The Lincoln Fire Department is debt free, has 20 full time and 10 part time employees. This was the same number of personnel before Twin River. They are on site 24/7. Councilor Lambert thanked the Chief, noted that people raised a number of issues. Councilor Lambert questioned if any increase in crime, fires or ambulance runs. Chief Sylvester responded from 2010 to 2015 the total number of runs were 5,394. A run includes someone getting aspirin or having a cut, all count as runs. Councilor Perry questioned effects on the fire department budget. Chief Sylvester explained, the budget does depend on Twin River, the fire tax is \$260k, also get plan review revenues. President deMedeiros questioned if anyone from the audience had questions for the Chief, hearing none thanked Chief Sylvester for his time.

Lincoln Police Chief Brian Sullivan did not speak to advantages/disadvantages, was best to just answer questions. Councilor Lambert asked about an increase in crime and increased drunk driving. Chief Sullivan did not have any statistics, could look at drunken driving arrests to see where they occurred or if they were attributed to Twin River. Chief Sullivan explained Twin River was very conscious of the responsibility for alcohol serving; all of their employees were TIP certified. The security department monitors people, will intervene and make arrangements if necessary for someone to be transported home. As far as traffic there is no problem, backups may occur between the red light and 146 when there are events. Department manpower is 36, same as before Twin River, has not increased. Chief Sullivan prepares the department budget then submits it to the Town Administrator. There is a detail officer there all the time, on certain days there are 2, not including special events. In those cases an off duty officer works an event, does not take from the total police force. Councilor Pelletier questioned who was responsible for dealing with social impacts. Chief Sullivan explained there is a community outreach program. T/A Wojcik questioned if there was a formal agreement with Twin River security. Chief Sullivan explained there is a policy for the Police Department for all details. The Police are assigned to enforce State law and town ordinance, if it is not a violation of law then it is dealt with by Twin River. If there are any

concerns Twin River has always been very cooperative, works with the Police Department. Chief Sullivan reports to the Lincoln Town Council every month on incidents at liquor establishments. The detail officer handles everything inside Twin River, have a good relationship with the director of security and the administration. President deMedeiros called for questions from the audience. Donna Cook, Hilton Street was concerned about people leaving kids or dogs in the car. Chief Sullivan noted the parking lot has security patrols, patrons also tell security about issues. Roger Belanger, Stafford Road was concerned about traffic and the roundabout. Chief Sullivan did not have a lot of information about traffic in that area, did say Twin River Road was a very busy artery. Mr. Belanger related a story about an 80 year old woman getting mugged in the parking lot, questioned if this was common. Chief Sullivan noted incidents like these do happen, not often. With information from the security cameras was able to identify and arrest a suspect. Mr. Belanger was concerned the Chiefs had vested interest because they were making money from the concern. President deMedeiros noted the Chiefs did not as explained earlier. As to the vested interest Chief Sullivan explained the first obligation is to the citizens of Lincoln, if Twin River was a burden to the town or his men then he would be obligated to address.

A five minute break was taken at this time, Council meeting resumed at 9:05 p.m.

ADVERTISED PUBLIC HEARINGS

2. Sam Shuford – Church Community Housing Corporation Small Cities Community Development Block Grant Application - Second Public Hearing

a. Approval of Authorizing Resolution

Sam Shuford, Church Community Housing Corporation explained this was the second of two public hearings; the first one was on 8/11/15. This public hearing is to receive comments from the public on proposed activities which include funding for extension of sewer lines to the Senior Center, repairing roads in North Tiverton, updating the North Tiverton Master Plan for sewers, support for the Women’s Resource Center, support for the Housing Hotline, support for housing operations and for administration of the grant program. Councilor Sousa questioned the value of the hotline program. Steve Ostiguy, Executive Director, Church Community Housing, explained the hotline supports referrals for services for affordable housing. Does help for the homeless, one Tiverton resident had an emergency with heat and water last winter, was able to get help through this program. Highly recommend keeping this program, fulfills one of the requirements of the group application. Councilor Sousa opined the Women’s Resource Center does this as well as getting public assistance, called this a duplication of services. Councilor Pelletier noted this program provides services to the people most in jeopardy. It is a very important resource for a number of people. Councilor Perry agreed with Councilor Pelletier. President deMedeiros noticed several people came forward at the first hearing with requests but have not been included like the East Bay Food Bank. Mr. Shuford explained that Newport County was receiving funds for this program.

President deMedeiros opened the public hearing for comments from the public. Lori DiPersio, Executive Director Women’s Resource Center explained they use the housing hotline all the time to refer clients that need it, appreciated all the support. Linda Larsen, resident, questioned why the East Bay Food Bank was not included this year as it serves a number of Tiverton and Little Compton residents. Mr. Ostiguy explained due to the State had to create lead communities. The priority for Tiverton was sewers for the Senior Center. Middletown had a surplus of funds so that East Bay request will come from another community. East Bay will get the full request. President deMedeiros called for public comment three more times, hearing none closed the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the 2015 Community Development Block Grant Application as drafted. The motion passed on a vote of 5-2, Councilors Sousa and Chabot opposed.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

D-APPOINTMENTS & RESIGNATIONS:

E-UNFINISHED BUSINESS:

F-FINANCIAL BUSINESS:

G-NEW BUSINESS:

H-BIDS AND REQUESTS FOR PROPOSALS:

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

No one signed up to speak at the Open Forum.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Hazardous Waste Drop off will take place this Saturday from 8am-1pm at the DPW. Call 942-1430 ext. 241.
2. There was a positive test for West Nile Virus in South Tiverton, residents urged to wear protective clothing. There were no positive results for EEE in this part of the State.
3. Attended a RI Cities and Town League board meeting, found it is the intent of the State to rationalize or level off building permit fees across the 39 cities and towns. Will be paying close attention to the impact on the revenue stream. Have instructed Neil Hall to attend the Building Code meeting on 9/22. Will keep apprised of the developments.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Council President Denise deMedeiros - Discussion and Vote on Council Governance Policy – Proposed Amendments from Councilor Pelletier and Town Administrator

President deMedeiros explained the Council had before them the Governance Policy with omissions and suggestions in blue ink. Council also had suggestions from the Town Administrator. Councilor Pelletier had provided the blue lined version, looked at what fits in with the current Council, in some instances tried to lighten the language. In 2b, struck out, unless an unforeseen emergency exists from the second sentence. Councilor Chabot citing the top of page 2 the last sentence, every effort shall be made to inform members of the Town Council, etc. Councilor Chabot questioned who informs the Council and requested it be made specific by the Town Clerk. On page 2, item c, Voting, Councilor Chabot noted the first sentence; Votes shall normally be taken by a show of hands. The Council has changed voting for Executive Session to a voice vote. President deMedeiros noted the current Town Solicitor suggested doing it that way according to Robert's Rules of Order Councilor Chabot noted this was the Council's procedure, can always be changed. Assistant Solicitor Skwirz agreed, Executive Session is a roll call vote, would be prudent to include that language, except for Executive Session. Councilor Chabot noted a typo on page 5, first paragraph regarding the agenda. At the end of the first sentence just before it says Monday is a holiday, the word "were" should be where. Councilor Pelletier will fix the formatting of the page numbers as well. Councilor Chabot suggested page 7, item b, Actions by Councilors need clarification where the President represents the Town. Councilor Pelletier agreed could be mistaken to read as acting outside independently. Do want the President or Vice President to be the figurehead. Assistant Solicitor Skwirz suggested replacing representative with agent.

Councilor Pelletier suggested the first sentence read as follows: No Councilor may hold himself or herself out as agent of the entire Town Council no act or purport to act as an agent on behalf of the Town Council unless duly authorized to do so by prior authorization by an affirmative vote of the Town Council. Councilor Chabot referred to the comments from the Administrator regarding section 8, matters of procedure shall be governed by Robert's Rules of Order. Councilor Pelletier suggested maybe that should be done by a parliamentarian. T/A Wojcik agreed, in the past have relied on the Solicitor. Councilor Pelletier suggested adding at the end of the first sentence after 2004, the Town Solicitor shall act as Parliamentarian. Councilor Chabot referred to the Administrators comments regarding a time frame for agenda items .Some discussion followed was noted the

Council President has discretion on agenda items. President deMedeiros could not predict public comment, did not want to be too restrictive. Councilor Pelletier opined it was more with licensing and presentations. Some items don't get on the agenda because it is not in order. Assistant Solicitor Skwirz explained under the Open Meetings Act (OMA) if there is a time limit on the agenda then the Council would have to abide by that. Councilor Chabot referred to the Administrator's comments regarding the 10:30 pm deadline on page 4. Councilor Pelletier's blue line version eliminated the 10:30 pm deadline by inserting the following in section f: The Town Council shall endeavor to limit regular, open sessions to three and one-half hours. The rest of that paragraph was crossed out. Councilor Chabot opined, usually exhausted after three hours, and could see how the 3.5 hour time limit goes. Councilor Chabot also suggested items have the proper documentation, some don't have enough information. Councilor Pelletier noted on page 4, under Preparation, the Town Clerk shall have discretion and authority to reschedule any agenda item submitted by a member of the Town Council lacking documentation.

Assistant Solicitor Skwirz had reviewed the document to meet the criteria of the OMA, according to 42-46-6(d), if there is a public comment period, can ask for a reasonable time limit and can respond for informational purposes. Administrator Wojcik suggested in his comments the possibility of subcommittees. Cumberland has an ordinance and a finance subcommittee that vets items first, may help with the Council workload. Councilor Chabot thanked the Administrator for the suggestions. Councilor Perry revisited the 3.5 hour time limit, suggested cut off at 11. President deMedeiros personally did not see the need to do so; Councilor Pelletier opined a time limit was not necessary. Councilor Sousa opined the Executive Session first on the agenda has made the public wait, should have Executive Session on another night, could add meetings. President deMedeiros noted items not taken could be tabled to the following Monday. Councilor Pelletier opined that would disenfranchise those who waited. President deMedeiros explained items on the agenda are reviewed by the Solicitor, Town Clerk, Council President and Town Administrator. Councilor Pelletier noted time of adjournment said shall endeavor to limit, having flexibility allows the Council to do their job.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Adopt the Town Council Governance Policy as amended and drafted. The motion passed on a vote of 6-1, Councilor Sousa opposed.

Councilor Perry thanked Councilor Pelletier for all his hard work on the Governance Policy.

2. Council President Denise deMedeiros – Vote on Resolution in Support of Quonset Air Museum

President deMedeiros read the Resolution in Support of the Quonset Air Museum.

Councilor Chabot made a motion, seconded by Councilor Sousa to Accept the Resolution. Motion passed unanimously.

Adopted Resolution attached at end of minutes.

Councilor Perry intends to put on a future agenda for discussion the amount of residential development coming into town, would like to get in front of it to try to limit residential buildings. Councilor Pelletier announced the sound system equipment for the Town Hall has been delivered, will be installing with some volunteers in the next couple of weeks. Councilor Pelletier planned to discuss Volunteer Appreciation Night with the Town Clerk. Councilor Chabot announced the Arts Committee reception for the Modern Renaissance Artists is September 20 from 2-4pm.

3. Discussion of Joint Workshop/Meeting with Budget Committee and School Committee

President deMedeiros talked with School Superintendent Rearick, Wednesday, September 23 was the consensus. Contacted the Budget Committee, all should have a quorum. Sally Black, School Committee Chair explained this meeting is to go over the School Facilities Study, mandated by the State and required by the end of the month.

Reminded that the reimbursement goes to the Town for the benefit of all the residents. President deMedeiros recapped the Joint Meeting will be at the High School Library at 7pm.

President deMedeiros noted all the Town Council September meetings will be at the High School Auditorium as the casino item will be on the agendas.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

CLOSED EXECUTIVE SESSION:

3. 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) re: Disposition of Real Property - Industrial Park Proposal. On a roll call vote the motion passed unanimously.

The Council entered into Executive Session at approximately 10:15 p.m.

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

OPEN SESSION:

In Open Session President deMedeiros announced action was taken in Closed Executive Session to authorize Solicitor and Administrator to proceed in accordance with the discussion given in Executive Session.

Councilor Mello motioned to seal the minutes of Closed Executive Session, seconded by Councilor Perry, passed unanimously.

ADJOURNMENT:

Councilor Mello motioned to adjourn, seconded by Councilor Pelletier, passed unanimously.

Council adjourned at approximately 11:35 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

TOWN OF TIVERTON
RESOLUTION OF THE TOWN COUNCIL

Resolved,
WHEREAS, the Quonset Air Museum has been a catalyst in keeping the legacy and history of military aviation for our city, state and nation alive; and
WHEREAS, the museum functions as a research, education and exhibit facility to preserve Rhode Island's rich aviation history; and
WHEREAS, since 1992, the air museum has educated the public from all over the world on our state's aviation legacy and displays collections that document the contributions of Rhode Islanders to the growth and development of aviation and space exploration; and
WHEREAS, there is a present need for a museum focused on the history of Rhode Island's place in our rich aviation history; and
WHEREAS, the Quonset Air Museum fills this need while providing added tourism opportunities for our state and complementing our extremely successful Rhode Island National Guard Open House and Air Show.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TIVERTON TOWN COUNCIL, DOES HEREBY FULLY SUPPORT THE ENDEAVORS OF THE QUONSET AIR MUSEUM TO REMAIN AT ITS CURRENT LOCATION, WORK ON A PLAN TO REMEDIATE ITS BUILDING TO RESOLVE MAINTENANCE ISSUES, AND RETURN STRONGER THAN EVER TO BRING RHODE ISLAND'S RICH AVIATION HERITAGE AND IMPORTANT EVENTS TO LIFE.

BE IT FURTHER RESOLVED THAT THE TIVERTON TOWN COUNCIL DOES HEREBY NOT ENDORSE ANY PLANS FOR THE RHODE ISLAND AIRPORT CORPORATION TO EVICT, REMOVE OR PLACE THE QUONSET AIR MUSEUM AND ITS ARTIFACTS IN JEOPARDY OF DESTRUCTION, DETERIORATION, REPOSSESSION OR PRIVATE PURCHASE FOR PERSONAL GAIN.

BE IT FURTHER RESOLVED THAT THE TIVERTON TOWN COUNCIL DOES HEREBY RESPECTFULLY REQUEST THAT THE RHODE ISLAND AIRPORT CORPORATION WORK WITH THE QUONSET AIR MUSEUM AND THE NORTH KINGSTOWN TOWN COUNCIL ON A PLAN TO KEEP THE MUSEUM IN ITS RIGHTFUL PLACE AND RETRACT ITS EVICTION NOTICE FOR SEPTEMBER 2015, SINCE THE MUSEUM STILL HAS SIX YEARS ON ITS LEASE WITH THE CORPORATION.

BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION BE FORWARDED TO GOVERNOR GINA RAIMONDO, SENATE PRESIDENT M. TERESA PAIVA WEED, SPEAKER OF THE HOUSE NICHOLAS A MATTIELLO, STATE SENATOR WALTER S FELAG, STATE SENATOR CHRISTOPHER S OTTIANO, STATE SENATOR LOUIS P DIPALMA, STATE REPRESENTATIVE JOHN G EDWARDS, STATE REPRESENTATIVE DENNIS M CANARIO, THE QUONSET CORPORATION BOARD OF DIRECTORS, THE RHODE ISLAND AIRPORT CORPORATION AND ALL CITIES AND TOWNS SEEKING THEIR SUPPORT IN OPPOSING SAME. By Order of the Tiverton Town Council this 15th day of September 2015.

President, Denise M. deMedeiros
Vice President, Joan B. Chabot
Councilman, Jay J. Lambert
Councilman, Peter A. Mello

Councilman, Brett N. Pelletier
Councilman, David Perry
Councilman, Joseph R. Sousa