

**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 28th day of September 2015 A.D. at 7:00 p.m.

President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag.

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|-------------------|---|---------------------------|-----------------------|
| 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. Roll call conducted by Leona Cook, Clerk. Town Clerk Nancy L. Mello absent

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. President deMedeiros requested removal of items, CA3b, Brenda Raposa- Regarding Lewis Street Asphalt Berm and CA6, Correspondence from Honorable Representative John G. Edwards Responding to Letter from Attorney John Pagliarini. Councilor Perry requested removal of item CA3a, General Auto Recycling, Inc. Weekly Reports.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

a. None available

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

- a. Historic Preservation Advisory Board
- b. Harbor & Coastal Waters Management Commission

A-3-Correspondence – Receive and File:

c. Evan Smith, President Discover Newport – Annual Fiscal Year Report Ending March 31, 2015- Copy on File in the Town Clerk’s Office

A-4-Approval of Tax Assessor Abatements

A-5-Denise Saurette, Treasurer – Budget and Revenue Report for August 2015

BUSINESS BROUGHT BEFORE THE COUNCIL

CA3a-General Auto Recycling, Inc. Weekly Reports (2)

Councilor Perry recalled Councilor Pelletier asking for more detail regarding these reports. Town Administrator Wojcik noted there was measurable progress with sediment and erosion control, establishing boundaries and land surveying. Expect to make the full email string available for the next meeting.

b. Brenda Raposa- Regarding Lewis Street Asphalt Berm

President deMedeiros updated the Council; Mrs. Raposa has talked to DPW Steve Berlucchi and T/A Wojcik trying to find a resolution to this problem. Went down to the property, this street is right at the bottom. When this

was originally put in the street should have had more extensive drains. Director Berlucchi explained Lewis Street is at the bottom of the old Sakonnet Bay Manor, eight streets run down to it with no drains. Lewis Street is parallel to Main Road, did talk to Mrs. Raposa. Plan to meet to discuss solutions which may involve a drainage easement or catch basins. Hard to control the amount of water with no drainage uphill. One solution could be to put drainage on the property going into catch basins but would need easements for private property.

A-6-Correspondence from Honorable Representative John G. Edwards Responding to Letter from Attorney John Pagliarini Regarding Proposed Law Relative to Grow/Distribution License for Medical Marijuana License Being Contemplated by General Assembly

Council had copies of the correspondence from Representative Edwards, was in attendance to provide an explanation regarding pending legislation. Representative Edwards sent the letter in response to the email from Attorney Pagliarini purporting the General Assembly (Assembly) had legislation before them that was imminent, called that basically false. There was nothing before the Assembly currently, nothing coming to the House floor. If the Town Council wants to take an approach with zoning to preclude these particular grow places it is the Council's prerogative. Councilor Sousa thanked Representative Edwards for coming to the meeting; noted concern mostly was in one area particularly. Representative Edwards noted the concern was valid, will take under advisement. Urged the Council to contact the local delegation with any concerns. Councilor Perry sought clarification; another email cited a House bill and a Senate bill. Affirmed the Senate bill did not make it out of committee and the House bill was pulled. Representative Edwards agreed, the House bill was pulled at the sponsor's request. President deMedeiros noted this had been referred to the Solicitor DeSisto.

Councilor Pelletier moved the Consent Agenda, seconded by Councilor Chabot passed unanimously.

B- PUBLIC HEARINGS & PUBLIC PRESENTATIONS:
PUBLIC PRESENTATIONS ADVERTISED PUBLIC HEARINGS

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

D-APPOINTMENTS & RESIGNATIONS:

1. Resignation of Keith J. Cory, Recreation Coordinator

Councilor Lambert made a motion, seconded by Councilor Pelletier to accept the Resignation of Keith J. Cory, Recreation Coordinator. Motion passed unanimously.

E-UNFINISHED BUSINESS:

1. 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 Lincoln Town Administrator T. Joseph Almond and Town Council President Keith Macksoud

President deMedeiros explained at the last Council meeting the Lincoln Police and Fire Chiefs were asked to comment on the advantages/disadvantages regarding Twin River Casino in Lincoln. Lincoln Town Administrator T. Joseph Almond has been the elected Town Administrator since 2006; explained Twin River was originally a race track. In the late 1990's the State declared at that time Video Lottery Terminals (VLT) were an extension of gaming, they have 1,500 machines. At that time the town was taxing the facility for \$22million, the Town had a 1.25% share of the 1,500 machines. That represented a decade of incremental growth, an expansion of machines, hours and the addition of table games. The table games were approved by 74% of the voters. Today Lincoln's share is 1.45% of the VLT's and 1% of all table games. In 2007 the VLT share was just under \$5million. There was concern about revenue going into the operating budget. In 2008 gaming revenue for operation budget was capped at \$2.5 million, anything above that at the end of each fiscal year was put into a restricted account for capital improvements only accompanied by a 20 year capital plan. There are other avenues of revenue to support the budget. In 2014 the VLT share was \$6.695 million. In 2014 there was a slight slippage of revenue from the VLT's which triggered the State clause so the town gets 1% of the table games. The town has the same number

of Police Officers since 2006; an analysis is done every month on public safety. Found no correlation to surrounding property values, the mean has been the same. Found no correlation to crime off the property, can make those statistics available to the Council. The tax levy over the past 7 years has been stable. For the casino the property, tangible, personal and vendor taxes come to approximately \$3.8million. Mr. Almond had copies of documents for the Council including capital projects funded, VLT/table game commissions, assessment information and a copy of the capital plan.

Councilor Perry thanked them for taking the time to come and answer Council questions. In response to Councilor Perry's questions Mr. Almond explained Lincoln has a population of 21,000, 40% of the levy tax is from commercial. Have Industrial Parks, Office Parks, Amica, malls and a significant transient population. The Town of Lincoln has an annual Financial Town Meeting and a Budget Board. The Administrator prepares the budget, goes to the Budget Board which make recommendations to the voters. All restrictive clauses were done by the Town Council. Tax revenue goes 100% to the voters, the gaming share is considered to be other revenues. The VLT machines never went to the voters because the State declared that an expansion of current gaming, only table games went to the voters. Mr. Almond did not advocate pros or cons, was just giving the facts and figures. Councilor Sousa confirmed Lincoln carried a 10% budget surplus, questioned the bond rating. Mr. Almond explained it was AA. Mr. Almond explained the Lincoln Town Council created the restricted ordinance; the Town Council is the oversight board. There is a capital improvement committee that meets monthly, members come from every department.

Town Administrator Wojcik had questions about the bond rating. Mr. Almond explained this bond rating was given 3 months ago from both Moody's and Fitch. The rating comes from a combination of things including the restricted accounts, the capital plan, prudent spending, debt load and the creation of an OPEB fund. Lincoln Finance Manager, John Ward, noted one other component, the debt that has been retired is specifically designated for road reconstruction instead of being used for budget expenses. It serves as set aside money so it can revert back to debt service if needed in the future. What was important about the ordinance to set aside the excess tax revenue was it also linked an increase in the amount used in the budget to no more than an amount equal to an increase in the tax levy. The only way to increase that estimate was to raise the tax levy, since that time has not been necessary. Restricts the ability of the voters to just walk in and say we know you are getting \$6million and we want to use it for tax relief. Mr. Ward opined, ultimately the tax relief for the Town of Lincoln came from the expansion not the VLT's. Town of Lincoln last year invested \$3million in capital, didn't borrow a dime; never relied on this money, was spending too much when this program started, reduced spending to reduce the levy. Councilor Lambert pointed out the reduction in the debt along with interest payments was just another part of your savings program. Mr. Almond was not advocating one way or the other, if Tiverton chooses to do this has an opportunity to invest back in the town. Mr. Almond urged the Council to explore a compact with the casino; they casino pay for all police and fire details on the property.

T/A Wojcik appreciated the factual basis, important to note the lower levy is a combination of wise policy decisions and the growth of revenue sources. Mr. Almond noted small increases in the tax levy would be due to increases in fixed costs like personnel. The new Middle School in Lincoln predates this program so there is debt for that school, have retired almost all the other debt. T/A Wojcik noted the Town of Lincoln has a budget 200 times the size of Tiverton's yet has almost the same debt load as Tiverton. Mr. Almond added the Town of Lincoln has Fire Districts that are taxed independently, but do have the fire rescue as part of the town. T/A Wojcik thanked Keith Macksoud, Lincoln Town Council President for coming, questioned what the overall sense of acceptance was in that district. Mr. Macksoud explained for the expansion Twin River had a lot of hearings, lots of public input, was hesitation at first. Twin River worked with residents to mitigate issues. Public hearings for the hotel expansion were held; only 3 people were in attendance. Mr. Macksoud noted if there are any problems can call someone at Twin River. Mr. Almond noted the growth of the Lincoln Mall and surrounding areas happened through development, property ownership, marketing of the property and a decades old planning process; find no correlation between that and the casino. In response to a comment about the traffic noted the

traffic has highway access, no spillage; police monitor accidents that are on or off the property. The town demands traffic studies for every major project, which would include going through planning and zoning. This casino grew in a residential area, has been there in some form for over 60 years. Twin River invests over \$1 million dollars in public safety on the property; Police personnel at the casino are regulated by State Law. Mr. Macksoud noted Twin River does philanthropy as well relative to food donations, school, and groups. Any issue or restriction has been worked out by ordinance; work collaboratively with the business entity. President deMedeiros thanked them all for coming, has been very informative.

At this time President deMedeiros called for a short break, Council returned at approximately 8:35 p.m.

F-FINANCIAL BUSINESS:

G-NEW BUSINESS:

1. Susan Gill, Recreation Commission Chair – Request Authorization to Advertise for Recreation Program Coordinator

Susan Gill, Recreation Chair, noted the resignation of Recreation Coordinator, Keith Cory, requested permission to advertise, attached qualifications to the agenda request. President deMedeiros explained this would not be advertised until next week. Ms. Gill explained this was a salaried position, would go to the Personnel Board first with recommendations to the Town Administrator.

Councilor Lambert made a motion, seconded by Councilor Perry to Authorize the Recreation Commission to Advertise for Recreation Program Coordinator. Motion passed unanimously.

2. Town Administrator – Authorization to Advertise RFP/RFQ for Consulting Engineer

Administrator Wojcik explained the Town's Consulting Engineer, Deidre Paiva has left the firm for a job with another firm. The current configuration has Commonwealth Engineering using a number of individual subject matter experts on an on call basis, loses that institutional memory relative to traffic, infrastructure, site plans. Does not serve the Town well, need a dedicated resource. This is both a request for proposals and a request for qualifications. T/A Wojcik suggested striking just the percentage column for the selection criteria on page 3. Stu Hardy, Planning Board Chair explained the Planning Board has very limited engineering expertise, rely heavily on the consulting engineer. Appreciated Ms. Pavia's visits to the sites and the feedback to the Board.

Councilor Lambert made a motion to Authorize the Town Administrator to Advertise for a Request for Proposals/ Request for Qualification for Consulting Engineer per agenda item G2 as attached. Councilor Perry seconded for discussion, questioned if there were a lot of consulting firms. T/A Wojcik noted not an infinite number, plan to send the RFP/RFQ to 10 or 12 firms. Motion passed unanimously.

3. Town Administrator – Ratification of IBPO Contract July 1, 2015 to June 30, 2018 with Fiscal Impact Summary

Councilor Pelletier recused, related to a police officer, left the Council table.

Administrator Wojcik explained the contract and the impact statement were sufficiently posted in advance of the meeting; the contract is complex with many provisions, various stipends and benefits. Basically from year one to year three the salary increases go 0, 3 and 3% respectively. Becomes a 2.5% impact or \$27k over the cost of the 3 years. Savings will be from the reduction of one officer from 27 to 26 for the life of the contract. Kept the current health insurance configuration, did not want to change due to binding arbitration. For fiscal year 2016 had a 13.3% increase in health insurance costs. This contract gives stability to the Town, there are no forced retirements or layoffs, one vacancy is not being filled. Recommend the Council ratify this contract. Councilor Sousa questioned if the concerns from the Police Chief were addressed regarding staffing at certain times. T/A Wojcik explained this was not addressed directly head on, this was the contract agreed upon by the union. If someone goes to another town there are no guarantees in the long term for a pension, is an important

consideration. It is a problem across the country in recruiting police and fire employees. Called that more an issue in the culture of the department, seniority and overtime privileges unchanged in this contract.

Councilor Lambert made a motion, seconded by Councilor Perry to Ratify the IBPO Contract July 1, 2015 to June 30, 2018 as proposed by Administrator Wojcik as attached in agenda item G3. Motion passed on a vote of 6-0-1, Councilor Pelletier abstained, recused.

H-BIDS AND REQUESTS FOR PROPOSALS:

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

There were no sign ups for the Open Forum.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

1. Update on Senior Center Windows

Administrator Wojcik explained only one bid was received for \$78k. Did some research, talked to contractors, comfortable \$32k was sufficient, going to readvertise and go through the process again. Councilor Sousa agreed with the Administrator.

Councilor Sousa made a motion, seconded by Councilor P. Mello to Readvertise for Senior Center Windows. Motion passed on a vote of 6-1, Councilor Pelletier opposed.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Perry wanted to discuss residential development in the town, had discussed with Councilor Pelletier and Kate Michaud. Found that once the Comprehensive Plan comes back to the Council , has adjustments, gets sent to the State, comes back to the Town again and then there is a window of 18 months where the Town can have a moratorium on building development. Solicitor DeSisto explained, cannot stop, had given a memorandum to the Town Planner and the Technical Review Committee. Can provide a copy to the Council it is a public document. President deMedeiros had spoken to Cecil Leonard, that committee will be having one more meeting then will turn it over to the Planning Board. Councilor Perry had spoken to Ms. Michaud about a development on Souza and Main Road that would have 52 house lots. Solicitor DeSisto cautioned this discussion was beyond the scope of the Open Meeting Act.

Councilor Sousa had made a request for drafts of the land use proposed for the Comp Plan, has not received anything yet. President deMedeiros noted the process was for the Comp Plan to go to the Planning Board first. Councilor Sousa had an issue with not receiving minutes, public information should be available. President deMedeiros will call Mr. Leonard for an update or draft; will get back to the Council.

President deMedeiros participated in Pardon Gray day, commended everyone for a great event.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Notice of Claim for Action – Attorney Brian Cunha

a.Christine Botelho

b.Ian Botelho, PPA, George Botelho, Father and Next Friend

c.George Botelho

d.Charlotte Strunk, PPA, Sharon Garner, Mother and Next Friend

e.Miles Macedo, PPA, Sarah Macedo, Mother and Next Friend

f.Ava Mastrostefano

Solicitor DeSisto explained the items all relate to the same claim, received statutory notice for all the clients represented by this attorney. This has been referred to the Trust, recommend for tonight items K1a-f be denied and referred to the Interlocal Trust.

Councilor Sousa made a motion, seconded by Councilor Lambert to Deny the Notice of Claim. Motion passed unanimously.

Councilor Sousa made a motion, seconded by Councilor Lambert to refer to the Interlocal Trust the Notice of Claim for Action from Attorney Brian Cunha. Motion passed unanimously.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

CLOSED EXECUTIVE SESSION:

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

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. On a roll call vote the motion passed on a vote of 6-1, Councilor Sousa opposed.

The Council entered into Executive Session at approximately 9:10 p.m.

The Council returned to Open Session at approximately 9:41 p.m.

OPEN SESSION:

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

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

ADJOURNMENT:

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

Council adjourned at approximately 9:44 p.m.

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

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk