

**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 9th day of November 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.

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 item CA6, Police and Fire Overtime Reports for October.

Councilor Lambert made a motion, seconded by Councilor Perry to Approve 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 Regular Council Meeting Minutes October 13, 2015
- b. Approval of Regular Council Meeting Minutes October 26, 2015
- c. Approval of Executive Session Minutes Council Meeting October 26, 2015

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

- a. Arts Council
- b. Historic Preservation Advisory Board
- c. Recreation Commission
- d. Open Space

A-3-Correspondence – Receive and File:

- a. Town Administrator – FY 2016 Community Service Grant: Tiverton Senior Center: \$4, 935.00

A-4-Approval of Tax Assessor Abatements

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

A-7-Kate Michaud, Planning Board Administrative Officer - Report of October Activities With Attached Ad-Hoc Technical Review Committee Meeting Notes

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

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-6-Town Administrator – Police and Fire Overtime Reports for October

Councilor Perry recalled discussing two meetings ago; the departments are down four people, making progress on overtime. Administrator Wojcik the process is to populate the list, from the screening interviews; 16 qualified but only 9 showed. Need to advertise in order to keep a deeper list. Chief Lloyd explained of those only five were sent to the Personnel Board. Councilor Perry requested this be put on the next agenda; want to stay on top of the overtime. T/A Wojcik noted the Fire Department; from the latest contract has a 3 platoon, 56 hour work week; this report is up to date on a monthly basis.

Councilor Perry made a motion, seconded by Councilor Souza to Approve CA6, Police and Fire Overtime Reports for October. Motion passed unanimously.

Item moved up in the agenda.

Councilor Lambert made a motion, seconded by Councilor Perry to move up item B2 as the next item under Public Hearings and Public Presentations. Motion passed unanimously.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

2.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 – Final Presentation of Concept Proposal by John E. Taylor, Jr. Chairman Twin River Worldwide Holdings, Inc.

Council President deMedeiros explained this was Twin River's final presentation. Next Monday, November 16, 2015 there will be a public hearing at which time the Council will hear concerns and comments from the public regarding the casino. At that time it is hoped a vote will be made. After this 30 minute presentation the Council may have questions for Mr. Taylor. Mr. Taylor thanked the Council for the opportunity to present a definitive proposal for Tiverton and to request at the appropriate time for the General Assembly to put on the ballot. Discussions with residents happened over the best part of the summer, learned a lot about Tiverton and the concerns. Summarized; the residents were concerned with tax revenue; the economic relationship will be codified in RI General Laws to become part of the law. Traffic was also a concern; the roundabout will be codified as well, will not open the casino without it. The proposed 85,000 square foot facility has a library inspired design with 1,000 slot machines, 32 table games and dedicated smoking and non-smoking areas. A sit down restaurant with 2-3 take away restaurants are also included. A hotel is proposed for 53,000 square feet, 84 sleeping rooms, meeting rooms and a breakfast room. Meets existing 35 foot height restriction, will entirely be non-smoking. The investment to put the casino, hotel and all other project costs estimated at \$75 million dollars. The site plan would have 45 total acres with 23 net developable.

Mr. Taylor noted that traffic was a big concern for the residents in that neighborhood; the proposed roundabout has a right hand turn lane in the design and has a commitment from Governor Raimondo and members of the State legislature to ensure completion. Operationally cannot open without it by law. There is sufficient water in the North Tiverton Fire District, with water pressure issues in the neighborhood a 450,000 gallon storage tank will be installed. Waiting for formal approval letter from DEM, wetlands have been delineated and verified. A four season wildlife study will be completed by October 2016. Wastewater will be handled through the Tiverton Wastewater District which has an agreement with the City of Fall River. Twin River will install an on-site pump station to connect to the Hurst Lane pump station. There will be a gravity line with lateral connections on Hurst Lane, less expensive for residents to connect. Stormwater management will comply with the greater of Massachusetts or Rhode Island standards to address any issues. Safety and security issues were also raised, have significant experience with security operations, will have Police and EMT details when open and state of the art surveillance for the entire property. Job fairs will be held for Tiverton residents, will require between 500-600 licensed employees and 300-400 full time equivalents. Heard about economic challenges for the Town, one

option could be to securitize 10 years of property taxes, raises significant money up front. Propose the greater of the minimum payment or the slot and table game revenue share estimated at \$3million be included for both Tiverton and Lincoln's protection. Propose a slot tax rate of 1.45% and table game tax of 1%, not to be limited. Estimate property taxes between \$750-800k per year. Fees and permits expected to generate between \$150 to 200k per year. Twin River was committed if the economics are not substantially to the Town as proposed the question will be withdrawn before going to the ballot. The casino will not open if the roundabout is not operational, will not have neon signage or ask for special consideration from the Town or the State legislature.

President deMedeiros opened for questions from the Council, Councilor Sousa questioned the location of the water tank. Mr. Taylor explained it could be either above or below ground. Councilor Sousa opined the annual appropriation could change, suggested the revenue should be guaranteed, noted the sewer line would be a big plus. Mr. Taylor noted constitutionally gaming is a State operation; the relationship from the Town should be with the State. Lincoln has not had a reduction in revenue share nor has the tax rate gone down, overall the revenue share has increased even with Massachusetts competition. Discussed the conceptual changes to the roundabout with DOT. Some discussion followed on the slot and table game revenue, estimated for Tiverton to be between \$49 to 70 million, the \$3million in revenue from both of those would go into the law as explained by Mr. Taylor. The State generates over \$300 million dollars per year from Lincoln. President deMedeiros explained there will be public comment next Monday; this meeting will be telecast as well. President deMedeiros thanked Mr. Taylor for the presentation, has been very respectful the entire time. A brief ten minute break was taken at this time, 8:05 pm.

1. Trish Hilton-Seaside Gas Station Ad Hoc Comm.–Authorization to Proceed with Grant Applications

Ms. Hilton was in the process of getting a plan together, the grant application is due by November 20. The grant is from Coastal Resources Management Council (CRMC), coming out of the Coastal and Estuarine Habitat Restoration Trust Fund. This is in conjunction with Save the Bay to address beach conditions. This will create a defined parking area for 50 spaces, reconfigure the beach, and remove the picnic tables and the playground. Estimate cost \$35-40k, has no specific in kind match; grant applications with town participation tend to have some greater consideration. Discussed with DPW Director Steve Berlucchi, DPW could relocate the rocks; remove the picnic tables, the playground equipment and help with the parking lot. Councilor Sousa opined, not enough area for fishing. Ms. Hilton explained this was conceptual, not completely to scale. During the charrettes issues were discussed regarding fishing and bathing areas. Need to have enough lifeguards for the designated swimming area. Councilor Pelletier noted the Seaside Committee has been meeting to develop a plan; this does not eliminate the fishing area, just the first step.

Councilor Lambert made a motion, seconded by Councilor Perry to Authorize Ms. Hilton on behalf of the Seaside Gas Station Ad Hoc Committee to proceed with the Grant Applications as more fully set out in the hand out. Councilor Chabot noted the need for at least 10 feet between those who are fishing. Ms. Hilton noted that would be at the discretion of the Council for fishing and the hours. Motion passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED LICENSE

D-APPOINTMENTS & RESIGNATIONS:

1. Open Space Commission – One Vacancy- 3 Year Term to 4/15/2018 Jean Paul Forcier, 65 Bobbin Hill Rd – New Appointment Request

Mr. Forcier had a degree in Wildlife Biology, retired from the Environmental Police, and has dedicated his life to the protection of wildlife. Mr. Forcier has experience with field maintenance, working with Garry Plunkett, Open Space Commission member. President deMedeiros noted the receipt of a recommendation for Mr. Forcier from Garry Plunkett, explained the appointment will be on the next agenda.

E-UNFINISHED BUSINESS:

1. Harbor Commission Minutes Regarding Co-operation With Police and Fire – Response From Town Administrator, Fire Chief and Police Chief

Administrator Wojcik reminded members of the Harbor Commission that the Harbormaster is not a law enforcement officer or sworn fire fighter. The Harbormaster does have responsibilities to record mooring fields, collect fees and communicate to the various departments. Chief Lloyd had spoken to Bruce Cox, Chair of the Harbor Commission regarding recent incidents in Little Compton and Portsmouth. Chief Lloyd explained these calls fall under the Coast Guard, the Narragansett Bay Task Force and incident command. Does not have the power to call the Harbormaster who is not an emergency responder. Chief Lloyd took great offense for the claim of failure to cooperate, told Mr. Cox a meeting could occur with the Chief, Town Administrator and the Harbormaster to discuss the matter. Councilor Pelletier noted the need for some type of resolution. Police Chief Thomas Blakey had some concerns pertaining to what the Harbor can and cannot get involved in, would like to be included in the conversation.

2. General Auto Recycling, Inc. – Report From Building Official

Neil Hall, Building Official, provided an update and a picture of the site boundary which consisted of concrete blocks and rope. A soil erosion plan was submitted to the office, has been referred to DPW, Conservation and forwarded to Commonwealth Engineering. The soil erosion plan is on the Planning Board agenda for November. Mr. Hall noted this plan was only for lot 115; the other two lots have not been addressed. As for the delineation of the area Mr. Hall was not sure what the Council was looking for. Councilor Sousa opined the idea at the time was to make it separate; stones were approved by the Council. Mr. Hall explained the Notice of Violation goes with the business; all the lots are included as an expansion of non-conforming. Administrator Wojcik explained the license issue before the Council is whether or not to issue a license that is predicated by zoning stricture that says pre-existing non-conforming use will not expand. Solicitor DeSisto explained the RIDES permit needs to be issued, have not seen plans to get the permit first before they go to DEM to act on it.

F-FINANCIAL BUSINESS:

1. Town Administrator – Request Transfer of Funds for League of Cities and Towns for \$6,075 From Acct#3310-5101 (Fire Personnel Salary) to Acct#1120-7259 (Dues-League of Cities and Towns) for

Administrator Wojcik had asked Dan Beardsley, Executive Director of the League of Cities and Towns to discuss this topic as well as the Tipping Fees under item 7 of New Business. Tiverton is the only community that has not yet paid the dues; do get help from the League with lobbying assistance and back up when it's needed. Mr. Beardsley sits on the retirement committee and T/A has reached out to get answers on relevant issues, see benefit going forward in the future. Councilor Sousa disagreed, opined the voters at the FTM did not vote for this. Did not get support from the League to fight the tolls, they took no stand. President deMedeiros explained it was within the purview of the Council to move money around.

Councilor Pelletier made a motion, seconded by Councilor P. Mello to Approve the Transfer of Funds From Acct#3310-5101 (Fire Personnel Salary) to Acct#1120-7259 (Dues-League of Cities and Towns) for \$6,075. Motion passed on a vote of 6-1, Council Sousa opposed.

G-NEW BUSINESS:

Item moved up in the Agenda.

Councilor Perry made a motion, seconded by Councilor P. Mello to move up in the agenda item G7. Motion passed unanimously.

7. T/A – Approval of Resolution Opposing Proposed Increase in Tipping Fees at Johnston Landfill

Administrator Wojcik had asked Dan Beardsley, Executive Director of the League of Cities and Towns to provide more information on the proposed increase to the tipping fees at the State Landfill. T/A Wojcik opined due to mismanagement at the State landfill another transfer station needed to be built in a new area and demolish the current one for landfill expansion. Mr. Beardsley thanked the Council for the previous vote to continue Tiverton's membership in the League. Mr. Beardsley does not give personal opinions, major policy decisions come from the League. Handed out several documents regarding the tipping fees. The State Planning Council, as part of Solid Waste 2038 management plan proposed an increase in the municipal tipping fees from \$32/ton to \$64/ton. Cities and towns are obligated to bring the waste to the State landfill even if neighboring states charge lower fees. The League understands the landfill is a finite resource, have suggested a gradual increase in the tipping fees. They have the statutory authority to do so, need to convince the General Assembly otherwise. Councilor Sousa suggested burning trash to turn into energy with plasma gasification plants, as neighboring states are doing. T/A Wojcik was looking for a motion to authorize the Town Administrator to work with the League on this issue, to oppose the increase in tipping fees.

Councilor Pelletier made a motion to Authorize the Town Administrator to work with the League to oppose the increase in tipping fees. Seconded by Councilor Sousa for discussion, noted most plastics are not being recycled or sold but are being put into the landfill. Requested the motion be amended to include that. Administrator Wojcik assured the Councilor he was well aware of plasma arc technology and fluid burn technology. Motion passed unanimously.

Item moved up in the Agenda.

Councilor Pelletier made a motion, seconded by Councilor Lambert to move up item G4 in the agenda. Motion passed unanimously.

4. Town Administrator – Request Approval of Resolution Regarding General Assembly Support for Landfill Expansion Legislation

Administrator Wojcik requested Honorable Representative John Edwards discuss suggestions for the proposed resolution. Representative Edwards talked to DEM Director Janet Coit at the suggestion of the T/A and Council President. Ms. Coit suggested including with the resolution the complete PARE engineering report with the recommendations that the Town was looking to increase the landfill by 3 feet to make up the difference between the \$6.7 and \$9.1 million estimated cost of closure. The local delegation will support, should also make Governor Raimondo aware of this and formally address the resolution to Terry Gray. DPW Director Berlucchi estimated the 3 feet would add another 2-3 years to the landfill, providing major savings from hauling to Johnston, save \$900k from going to Johnston. Representative Edwards recommended adding to the height when submitting, opined will not get another chance. Councilor Perry was concerned with the cost, requested a cost analysis. Gas, a major component of the wrap, is at a very low price, could be more cost effective to do now. Councilor Lambert recognized the Town has other financial considerations, supported the resolution, the suggestions, and noted the resolution gives the Town discretion while raising money to cover the expense. Administrator Wojcik noted the financial difference between expanding vertically and continuing to save the PAYT proceeds for the closure suggested doing 5 year Revenue Anticipation Notes. The T/A requested the resolution to also put off paying the \$900k for five years, also have the library bond to consider. Director Berlucchi noted, could go higher than the 3 feet, can't exceed a certain slope and have to stay within the footprint. . Councilor Sousa opined, should keep the landfill open as long as possible, may have to increase the price of the bags or put more money for the landfill in the budget. Have to have the money there in the end to make this work.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Resolution with inclusion of the edits recommended by Representative Edwards. Motion passed unanimously.

1. Chief Blakey – Request Permission to Advertise to Establish List for Police Officers

Chief Blakey has exhausted the hiring list; need to advertise again, have 2 vacancies, two on long term disability and 7 that can retire from the 30 man force. Will try to get one back during the negotiation process, have to keep staffing up, recruit using every possible resource.

Councilor Pelletier made a motion, seconded by Councilor Lambert to Grant Permission to Advertise to Establish List for Police Officers. Councilor Sousa suggested may have to put more incentives in the next budget. Chief Blakey noted the benefits were good but lowest paid in the State, takes a minimum of 9 months to have a new officer on the road. Motion passed unanimously.

2. Chief Blakey – Recommendation to Proceed with Public Hearing to Amend Ordinance for Lepes Road No Parking

Chief Blakey has reviewed the agenda request regarding Lepes Road parking, request a public hearing to amend the ordinance to removal all other parking restriction including signage posted at the bottom of the road on the west side.

Councilor Perry made a motion, seconded by Councilor Lambert to Schedule a Public Hearing to Amend Ordinance 78-71. Motion passed unanimously.

3. Madeline O’Dell, 130 Warren Ave – Parents as Teachers Program at the Tiverton Library

Mrs. O’Dell was concerned about this program that started in 2008 with grant money, was for Newport County residents. Due to all day kindergarten was moved to the library, serves local families. Some come from Fall River and Westport, MA, suggest only Tiverton residents be attending. President deMedeiros talked to several people regarding this item, the School Department has nothing to do with this program, are only the fiscal agent. The original grant did not specify Tiverton or Newport County residents and have been told no one from Tiverton has been turned away. The library does have specific rules for library run programs. Solicitor DeSisto explained the requirements of the program would govern, not the library’s regulations. Linda Larsen, President of the Tiverton Education Foundation explained there was no residency requirement to this program when it was started.

5. Town Solicitor – Request Approval of Resolution to Authorize Town to Regulate Quarrying of Granite

Solicitor DeSisto explained the quarrying of granite comes from the Public Law of 1973, not from the General Law. At that time it failed to include the quarrying of granite. Quarrying in Town is grandfathered, not a permitted use under the Town ordinance. This proposed fix would allow for some regulatory oversight. Councilor Sousa opined, was a needed product, Town made them non-conforming, and seems like trying to close the door on them. Councilor Chabot disagreed, this was trying to regulate the operations, mitigate damages and be of some help. Noted if this passes and the General Assembly makes the changes, the Town would still have to change the local ordinance, is a multiple step process. Solicitor DeSisto agreed, this enabling legislation allows the Town to go forward with that step.

Councilor Pelletier made a motion to Approve the Resolution to Authorize the Town to Regulate Quarrying of Granite. The motion passed on a vote of 6-1, Councilor Sousa opposed.

6. Town Solicitor – Agenda Listings of Council Items and Announcements

Solicitor DeSisto noted a change to the agenda, under item I-Town Administrator, J –Council and K- Solicitor, there are no longer comments or questions, just announcements. This is to conform to the Open Meetings Act, announcements are fine, was concern some items were being discussed that were not on the agenda.

8.Councilor Pelletier – Request Permission/Authorization to Reach Out to People/Agencies on Behalf of Town Council Related to Stone Bridge – Senators Whitehouse and Reed, Congressman Langevin, RIEMA, FEMA, CRMC, Governor Raimondo, RI Marine Trades Association

Councilor Pelletier was looking for explicit authorization to discuss with various people, on behalf of the Council, the Stone Bridge Abutment Project. Councilor Pelletier had mentioned this before when discussing this project.

Councilor P. Mello made a motion, seconded by Councilor Lambert to Authorize Councilor Pelletier to reach out to people or agencies on behalf of the Town Council in relation to the Stone Bridge project. Councilor Chabot questioned it this wasn't under the purview of the Administrator, noted committees report to him. Councilor Pelletier noted some of the various committees were also in the process of sending letters; T/A Wojcik appreciated the help. Motion passed unanimously.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Approval of Award of Bid for Senior Center Windows to Done Right Home Improvement/Design, 130 Warren Ave, Tiverton for \$30,286

Administrator Wojcik explained this item was advertised twice. Conducted research on the double hung new construction windows for the bid, from the FTR budgeted not to exceed \$32k. Confirmed with the Solicitor for the final contract language, will be no change orders. Solicitor DeSisto opined the motion should be not to exceed and be in the contract language. Mr. O'Dell confirmed he will not exceed the bid price, if so will absorb the cost. The windows have a 20 year warranty, manufactured as a single structure fill form. Solicitor DeSisto noted for the record Councilor Lambert has recused from this item, left the Council table.

Councilor Perry made a motion, seconded by Councilor P. Mello to Award the Bid for Senior Center Windows to Done Right Home Improvement/Design, 130 Warren Ave., Tiverton, not to exceed \$30,286. Motion passed on a vote of 6-0-1, Councilor Lambert abstained.

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

There were no sign ups for the Open Forum.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

Administrator Wojcik announced he would be out of the office on Friday, November 13 and possibly Monday and Tuesday.

J-COUNCIL ANNOUNCEMENTS:

Councilor Sousa requested for an upcoming meeting a discussion on the Shooting Range. Solicitor DeSisto noted cannot be discussed; need to put in as an agenda request. Councilor Perry was at the Pocasset School last Thursday for the annual Harvest Meal Festival. A chef was brought in to cook a traditional turkey meal for all 3 lunches; schools rotate the meal every year. This afternoon attended a demonstration of Smart Lab technology at the Middle School. Councilor Chabot announced the Arts Committee reception was Sunday, November 15 from 2-4 pm at the Town Hall, showing the art of Robert Busse and Diane Larkin. Councilor Pelletier noted new sound system for Town Hall will be used at next Council meeting. Thanked Steve Rys who did most of the work.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS

1. Update on Special Election January 5, 2016 and Party Primaries December 1, 2015

Town Clerk Mello reminded the Special Election for January 5, 2016 Senate District 11, Precinct 3304, the primary is Tuesday, December 1, 2015. Sample ballots are on the website; call the Clerk's office with questions if not sure about your district.

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) - Litigation - Town of Tiverton v. James and Melissa Pelletier

3. Town Administrator – 42-46-5(a) (5) – Disposition of Town Held Real Estate

4. 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: Litigation – McLaughlin vs. Town of Tiverton. 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: Litigation - Town of Tiverton v. James and Melissa Pelletier. On a roll call vote the motion passed 6-0-1, Councilor P. Mello abstained.

Councilor Lambert made a motion, seconded by Councilor Chabot to stay in Closed Executive Session pursuant to 42-46-5(a) (5) re: Disposition of Town Held Real Estate. 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. On a roll call vote the motion passed unanimously.

The Council entered into Executive Session at approximately 10:55 p.m.

The Council returned to Open Session at approximately 12:10 a.m.

OPEN SESSION:

President deMedeiros announced action was taken in Executive Session to direct the Solicitor to proceed in accordance with discussion given in Executive Session relative to McLaughlin Litigation.

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

ADJOURNMENT:

Councilor Perry motioned to adjourn, seconded by Councilor Pelletier. The motion passed unanimously.

The meeting adjourned at 12:15 a.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk