

**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 23rd day of November 2015 A.D. at 6:30 p.m.

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

**Roll Call: Denise M. deMedeiros - President Jay J. Lambert (Late) Peter A. Mello
Joan B. Chabot – Vice President (Late) Brett N. Pelletier David Perry
Joseph R. Sousa**

Town Administrator, Matthew Wojcik and Assistant Town Solicitor Peter Skwirz were also present.

Councilor Perry made a motion, seconded by Councilor Sousa to move up before the Consent Agenda the Executive Session regarding the Industrial Park. Motion passed unanimously.

Executive Session

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

Councilor Perry made a motion, seconded by Councilor Sousa to enter into Closed Executive Session pursuant to Town Administrator– 42-46-5(a) (5) – Disposition of Town Held Real Estate – Industrial Park. Motion passed unanimously on a roll call vote.

Council entered into Closed Executive Session at approximately 6:32 pm.

Councilors Lambert and Chabot arrived prior to 7:00 pm. Council returned from Executive Session at approximately 7:15 pm.

At this time Council President deMedeiros read the following Proclamation:

**“CONGRATULATIONS TO DONALDA MARGARET MEDEIROS
ONE HUNDRED YEARS OLD”**

Mrs. Medeiros was presented with a bouquet of flowers followed by a round of applause.

OPEN SESSION:

Council President deMedeiros announced the Tiverton Town Council and the Legacy Corporation have entered into a Standstill Agreement for the Industrial Park property, meaning the Council is entering into talks, not taking another bid at this time whether or not it works out. Bart Sides, from Kansas City Legacy Development explained the concept, the Legends, was not an enclosed mall, but an open air shopping center with a lot of landscaping; understand this project will not require a zoning change or a change to the Comprehensive Community Plan. Try to incorporate the history of the area in the development, develop to a size and scope for the area and the right architecture. This is not a big box concept, largest usually 15,000 square feet, some can be up to 35k square feet if the community is open to it. It will have positive financial impacts, diversify the tax base. Left a business card and a press kit with the Town Clerk can be contacted directly. The site has some challenges, will have to address traffic and some other issues. President deMedeiros explained there will be public hearings with this project; Economic Development Committee will be working closely with this project. Town Administrator Wojcik noted the Agreement was now a public document; however there were amendments agreed to in Executive Session and will become public once Counsel has reviewed. The Agreement is for 90 days, can be extended for an additional 60 days. There is a lot of work to be done; engineering, potential development plan, milestones that are

acceptable to the Town and the economics. One hundred and thirty of the 172 acres are covered by the Agreement, interested in the lots that hold the Public Works and Police Department. The total price is \$8.25 million.

Attached to end of minutes are closed executive session portion not sealed.

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. There were no removals.

Councilor Lambert made a motion, seconded by Councilor Perry to Approve the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval Joint Meeting with School Committee and Budget Committee November 3, 2015
- b. Approval of Executive Session Minutes Council Meeting November 9, 2015

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

- a. Cemetery Commission
- b. Harbor & Coastal Waters Management Commission (3)
- c. Historical Cemeteries Commission (8)
- d. Recreation Commission
- e. Prevention Coalition
- f. Board of Canvassers (2)

A-3-Correspondence – Receive and File:

- a. General Auto Recycling, Inc. Weekly Reports (2)
- b. CRMC Public Notice Regarding Application of Paul Barth and Sara Phillips Vaz to Modify an Existing Residential Boating Facility Project Location 135 Riverside Drive
- c. State of RI, Representative Newberry Regarding HUD’s AFFH Rule – Affirmatively Furthering Fair Housing
- d. Congressman David N. Cicilline to RIDOT Director Peter Alviti Regarding Stone Bridge Abutment Project
- e. RI Statewide Planning Program Regarding Transportation Improvement Program (TIP)
- f. Tricia Hilton, Tiverton Conservation Comm. Regarding Seapowet Point Restoration Project Plan
- g. Scott Borowy, 50 Ledoux Lane Regarding Council Meeting of November 16th

A-4-Approval of Tax Assessor Abatements

A-5-Town Treasurer – October Budget and Revenue Reports

A-6-Town Administrator – Scheduling of Public Hearing on Town Fees and Fines on January 18th

A-7-Approval of Council Annual Calendar of Meetings for 2016

BUSINESS BROUGHT BEFORE THE COUNCIL

Item moved up in the agenda.

Councilor Lambert made a motion, seconded by Councilor P. Mello to move up to this point the Open Public Forum. Motion passed unanimously.

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

William McLaughlin had signed up to speak, Assistant Solicitor Skwirz explained there was ongoing litigation and anything said by either party could be used against the other party in litigation, advised the Town Council not to engage in discussion with Mr. McLaughlin regarding this matter. Randy Lebeau commented on fees needing to be lowered or have a cap for small businesses. President deMedeiros explained there will be a public hearing on January 18 for Town fees and fines. Administrator Wojcik researched fees for commercial projects for mechanical and plumbing inspections; it is a percentage of the project. The inspections are ministerial, looked at other communities; Tiverton is not in line, will be discussed at the public hearing. Another person, Chris Mathias signed up to speak in support of Mr. McLaughlin; Assistant Solicitor Skwirz again advised the Council against discussing.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS: PUBLIC PRESENTATIONS

1. Susan Gill, Recreation Chair – Holiday Tree Lighting Event

President deMedeiros noted Mrs. Gill was not in attendance, suggested tabling. Town Clerk Nancy Mello noted the event was on December 5, next meeting is after the event. Councilor Perry had concerns regarding the change from a Sunday night to a Saturday night. T/A Wojcik explained the Recreation Commission discussed, noted the process was flawed in establishing this event, more input was needed. All the arrangements have been made, notices have been sent out. President deMedeiros opined this should have come to the Council earlier. T/A Wojcik noted the Council would have to approve closing a street. Councilor Perry noted this event has a lot of background to it, too late to change the date now. Police Chief Blakey agreed, has been unable to talk to Mrs. Gill, need to set up rules. T/A Wojcik noted there was outreach in that neighborhood from the Recreation Commission.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

1. New Requests – Non Advertised

a. Shirley Morimoto d/b/a The Copper Pelican GP, 404 Main Road – Request for Holiday License Subject to Meeting All Legal Requirements

Town Clerk Mello explained this license request was all set.

Councilor Lambert made a motion, seconded by Councilor Perry to Grant the request for a Holiday License Subject to Meeting All Legal Requirements to Shirley Morimoto d/b/a The Copper Pelican GP, 404 Main Road. Motion passed unanimously.

b. John Moniz, 14 Stafford Road – Request Open Air Lot License Subject to Meeting All Legal Requirements

Town Clerk Mello noted this was an existing business that should have had a license.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve the request for Open Air Lot License Subject to Meeting All Legal Requirements to John Moniz, 14 Stafford Road. Motion passed unanimously.

C-2 - ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING LEGAL REQUIREMENTS (December 1, 2015 to November 30, 2016)

A. Junkyard and Second Hand Dealer License Renewals December 1, 2015-November 30, 2016 – Subject To Meeting All Legal Requirements

- 1. Arnold's Auto Parts, 1484 Crandall Road**
- 2. Alan J. Lagasse, d/b/a Lagasse Salvage Yard, 20 Cory's Lane**
- 3. Sanford & Son LTD, 104 Cynthia Avenue**
- 4. South Shore Tiverton LLC, 413 Bulgarmarsh Road**
- 5. Tiverton Auto Parts, Inc., 541 Bulgarmarsh Road**

6. Tiverton Auto Parts, Inc., 533 Bulgarmarsh Road & Lot 116 Card 29

President deMedeiros noted the motion would be licenses as listed below subject to meeting all legal requirements. Town Clerk Mello suggested taking General Auto separately.

Councilor Sousa made a motion, seconded by Councilor Lambert to Approve numbers 1 through 6 for Junkyard and Second Hand Dealer License Renewals December 1, 2015-November 30, 2016 – Subject To Meeting All Legal Requirements. Discussion followed, Councilor P. Mello questioned if all of the others were looked at for original footprints, if the Building Official inspection was required and subject to the same treatment as General Auto regarding soil erosion. Town Clerk Mello explained, subject to meeting all legal requirements, if the Building or Fire Marshall has not had the time to do all the inspections the licenses have been granted and if there is an issue then its brought back before the Council. Do not have sign off for everyone. Councilor P. Mello was concerned about equal enforcement; Councilor Perry noted in the backup for the licenses was a spreadsheet for all the licenses some with notations noted in review. Councilor P. Mello wanted to make sure that the other licenses were also subject to the soil erosion part of the process. Assistant Solicitor Skwirz confirmed. Motion passed unanimously.

7. General Auto Recycling Inc., 384 King Road – Pending Violation, Town Solicitor

President deMedeiros noted the Building Official was requested to be here tonight. Assistant Solicitor Skwirz explained part of the problem for this license was the soil erosion plan, also is a Stormwater mitigation plan issue. This went before the Planning Board last week which was unable to make an endorsement, did not have enough information at the time, and need a letter from the Town engineer and the Planning Board endorsement. Councilor P. Mello noted there was an issue with two of the other parcels. Robin Mayne, Attorney for Chris Petropoulos, owner of the property gave some background on this license. In July there was a discussion of the various issues related to the license, have made tremendous progress since then, completed a jersey boundary to separate lot 115. Working on the soil erosion plan and the newly requested Stormwater plan, required to delineate the wetlands. Have invited RI Department of Environmental Management (RIDEM) to come to the site as soon as possible in order to come into compliance, could be months before RIDEM goes to the lot. Would agree to conditions again; the license needs to be renewed so the business can move forward to come into compliance. T/A Wojcik noted the jersey barriers were a new step, previously had pylons with tape. There are remediation's issues, if the business is not operating their resources are diminished, confident the Town engineer and Mr. Hall are doing their jobs to move this forward. Suggested a chart that shows a timeline, like a bar chart that can show milestones and communicate that to the Council, suggested granting the license for a partial time.

Assistant Solicitor Skwirz explained the Council could not grant full approval, could find the license is not in compliance with no recourse, could approve with conditions to ensure they come into compliance, suggest granting the license to a date certain. Councilor P. Mello questioned what was going on with the other two parcels. Ms. Main explained RIDEM has wetlands issues, lot 115 is owned by A&C Realty and lot 13 is owned by General Auto, will submit delineation in early 2016 to them; it is a wetlands alteration issue. Councilor Pelletier noted that almost a year ago this came before the Council and General Auto was operating on lot 115, was used as an expansion of General Auto. Ms. Main reiterated there is no General Auto businesses on lot 115, barriers have been put up. The Stormwater plan, a requirement at State level, is ministerial in nature, not a significant issue. DPW Director Steve Berlucchi, at the request of the Mr. Hall met to tour the site, along with Mike Russell, engineering consultant for General Auto. The perimeter was not secure, drove right onto the site; suggest the concrete barriers be four feet apart. Did observe soil erosion had a layer of clam shells and a straw waffle perimeter, suggest putting a locked gate. Councilor Sousa disagreed, why make it unusable for the owner. Assistant Solicitor Skwirz explained the boundary divided two properties, one is not the subject of the license, and it is to hold the license with that property only. The separate corporate entity does not hold that license, requiring General Auto to have the boundary for the property that is licensed. Cannot hold the corporate entity responsible, the expansion was made by the licensed entity. Councilor Perry will not support renewal, had one year to address, and should have been some kind of penalty. Councilor Lambert opined, this may be the penalty; being before the Council and having to pay an attorney and an engineer.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Approve a Junkyard and Second Hand Dealer License renewal for General Auto Recycling, Inc., lots 113 & 112, for a period of 6 months with continuing monthly updates on the progress to the Building Official and copies to the Town Council and Town Administrator. Motion passed on a vote of 6-1, Councilor Perry Opposed.

B.Liquor License Renewals – December 1, 2015 to November 30, 2016 – Subject To Meeting All Legal Requirements

CLASS A – Liquor Stores

- 1. Chandri, Inc. d/b/a Tiverton Liquors, 65 Main Rd**
- 2. Nimraj, Inc. d/b/a Crossroad Liquors Inc. 1540 Bulgarmarsh Rd**
- 3. Smittom Inc. d/b/a Stone Bridge Liquors 2490 Main Rd**

There were no issues with any of the Class A, Liquor Store license renewals.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve the Class A- Liquor Stores, numbers 1 to 3. Motion passed unanimously.

CLASS BV– Full Liquor License

- 1. Silva Brothers Inc. d/b/a Barcello’s Family Restaurant, 1214 Stafford Rd.**
- 2. Spring Restaurant, Inc. 118-120 Main Rd**
- 3. Le Moulin Rouge, Inc. 1403 Main Rd**
- 4. Benjamin’s Sports Pub, Inc. 4 Stafford Rd**
- 5. Faithe J. Bortz d/b/a P. J’s Café 301 State Ave**
- 6. Evelyn’s Nanaquaket Drive-In, Inc. 2335 Main Rd**
- 7. Kfoury Inc. d/b/a Brantal’s Restaurant, Banquet & Catering Facility, 91-97 Crandall Rd**
- 8. The Boat House Restaurant, LLC, 227 Schooner Drive**
- 9. HUEJAN Inc. d/b/a Lil’ Bear Sports Lounge 983 Main Rd.**
- 10. Everett Lane Inc. d/b/a Family Ties Restaurant 221 Main Road**
- 11. Atlantic Sports Bar & Restaurant, 70 Shove St.**
- 12. Susan’s Restaurant 13 Crandall Rd.**
- 13. Black Goose Company d/b/a Black Goose Café 2160 Main Rd.**
- 14. TRDR, Inc. d/b/a Red Dory Restaurant, 1848 Main Rd**
- 15. Sakonnet River Grille 524 Main Rd**

Town Clerk Nancy Mello suggested taking Riptide Sports Grill as a separate item and grant but not issue that license. All the licenses are subject to meeting all legal requirements. A spreadsheet was given in the Council packet with the copies of the license renewals; some have passed, are in review or have not yet been inspected by the Fire Marshall who is continually doing inspections and in contact with the Clerk’s office.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant the Class BV, Full Liquor License renewals, 1 to 15, subject to meeting all legal requirements. Motion passed unanimously.

16. Riptide Sports Grille 1 Bay Street

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant but not issue a Class BV, Full Liquor License to Riptide Sports Grille, 1 Bay Street, subject to meeting all legal requirements. Motion passed unanimously.

CLASS BVL – Limited Liquor License

- 1. Classic Pizza Inc. 495 Main Rd.**
- 2. Soule-Seabury Associates, Inc. d/b/a Four Corners Grill, 3841 Main Rd.**

Councilor Pelletier questioned what made up BVL and if Soule Seabury was different than Four Corners Grille. Town Clerk Mello did confer with the Solicitor, the license is held by Soule Seabury Associates, the person who runs it has a management contract with them, and Solicitor opined the license could be renewed.

Councilor Perry made a motion, seconded by Councilor Pelletier to Approve the Limited Liquor License, Class BVL, 1 & 2. Motion passed unanimously.

CLASS BT – Bed and Tavern

1. Senior Lifestyle Sakonnet Bay LP dba Brookdale Sakonnet Bay, 1215 Main Rd.

Town Clerk Mello noted this license would not be issued until a problem has been resolved.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve Class BT, Bed and Tavern, 1. Motion passed unanimously.

CLASS D –Unlimited Club Licenses

1. Father Joseph Boehr Columbian Club, Inc. d/b/a Knights of Columbus, 28 Fish Rd.

2. Woodrow L. Silvia Post Home Association, Inc. 134 Shove St.

3. Bayview Holy Ghost Citizens Club, 66 Bottom St.

Town Clerk Mello had a problem with the Bayview license, Solicitor DeSisto is working on it as the ordinance and regulations are in conflict, suggested approving while he is working on an ordinance amendment. Assistant Solicitor Skwirz explained the State does not require a kitchen while the business regulations do. They are selling liquor with no food, should remove them from the Victualling License as well.

Councilor Perry made a motion, seconded by Councilor Pelletier to Approve Unlimited Club Licenses, Class D, 1 to 3. Motion passed on a vote of 6-0-1, Councilor Lambert abstained, not at Council table.

C-3 TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING

LEGAL REQUIREMENTS (December 1, 2015 to November 30, 2016)

1. Approval of Entertainment Licenses

Atlantic Sports Bar and Restaurant, 70 Shove St.

Silva Brothers, Inc. /Barcello Family Restaurant, 1214 Stafford Rd

Bayview Holy Ghost Citizen’s Club, 66 Bottom St.

Benjamin’s Sports Pub, Inc., 4 Stafford Rd.

Kfoury Inc. /Brantal’s Rest. / Banquet Facility, 91-97 Crandall Rd

Father Joseph Boehr / Knights of Columbus, 28 Fish Rd

Everett Lane, Inc. / Family Ties Restaurant, 221 Main Rd

Huejan, Inc. / Lil’Bear Sports Lounge, 983 Main Rd.

Faithe J. Bortz / P.J’s Café, 301 State Ave.

Sandywoods Farm, Inc., 43 Muse Way

Senior Lifestyle /Brookdale Sakonnet Bay LP, 1215 Main Rd.

Spring Restaurant, 118-120 Main Rd.

Susan’s Restaurant, Inc., 13 Crandall Rd.

Woodrow L. Silvia /VFW, 134 Shove St.

Councilor Pelletier made a motion, seconded by Councilor by Councilor Chabot to Approve the Entertainment Licenses as listed. Motion passed on a vote of 6-0-1, Councilor Lambert abstained, not at Council table.

2. Tobacco Dealer’s Licenses Renewals

Speedway LLC d/b/a Speedway, 1308 Stafford Rd

Three Ducks Car Wash 400 Main Rd

A1 Petroleum dba Stonebridge Gas, 861 Main Road

Joshua Pavao d/b/a Cigarsmiths, 115 Stafford Rd.

CHANDNI Inc. / Tiverton Liquors, 65 Main Rd

NIMRAJ d/b/a Crossroad Liquors, 1540 Bulgarmarsh Rd

East Lake Variety Inc., 750 East Rd.

SFS Corp d/b/a Elaine’s Country Store, 1204 Fish Rd.

RI Yogi RAJ / No. Tiverton News, 15 Main Rd.

Step by Step Mart, 429 Main Rd.

Smittom Inc. / Stone Bridge Liquors, 2490 Main Rd.

Cumberland Farms #1121 1860 Main Rd

Gray's Ice Cream Inc., 16 East Rd

Dolgen Rhode Island LLC dba Dollar General, 567 Main Rd

Tiverton Convenience Store, dba Stateline Tobacco 29 Stafford Rd

DPW Director Berlucchi requested removing RI Yogi RAJ/North Tiverton News as they are in arrears for \$2,400 for the Pay As You Throw bags. They have been notified, contacted by phone in the last several months. Suggest removing or holding to come up with a payment plan. Have not received any bags, are on credit hold.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Renew, save for RI Yogi RAJ/No. Tiverton News, the Tobacco Dealer's Licenses subject to meeting all legal requirements. Motion passed on a vote of 6-0-1, Councilor Lambert abstained, not at Council table.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Renew the Tobacco Dealer's License for RI Yogi RAJ/No. Tiverton News for 30 days, notice them they are in arrears on the trash bags and review after 30 days to develop a plan. Motion passed on a vote of 6-0-1, Councilor Lambert abstained, not at Council table.

3. Victualling License Renewals

Speedway LLC d/b/a Hess #39211, 1308 Stafford Rd

Soule Seabury Assoc., d/b/a Four Corners Grille, 3841 Main Rd.

Fu Bing Nan Corp Asian Gourmet, 1715 Stafford Rd.

Atlantic Sports Bar & Restaurant, Inc., 70 Shove St.

Silva Bros Inc., d/b/a Barcello's Family Rest., 1214 Stafford Rd.

Bayview Holy Ghost Citizens Club, 66 Bottom St.

Benjamin Sports Pub, Inc., 4 Stafford Rd.

The Moose Café Inc., 1160 Stafford Rd.

Black Goose Co., d/b/a Black Goose Café, 2160 Main Rd.

Boat House Restaurant LLC, 227 Schooner Drive

Kfoury Inc., d/b/a Brantal's Restaurant Banquet

& Catering Facility, 91-97 Crandall Rd.

New China Gourmet, 180 Main Rd

Classic Pizza, Inc., 492 Main Rd.

Central Bakery Development Corp. DBA Central Bakery 70 Shove St Unit 3

Senior Lifestyle Sakonnet Bay LP dba Brookdale Sakonnet Bay, 1215 Main Rd.

Lisa Machado, d/b/a Coastal Roasters LLC, 1791 Main Rd.

Country Kitchen-Tiverton Convenience Point Inc., 31 Stafford Rd.

St Theresa's Church 265 Stafford Rd

Artemida, LLC d/b/a Dunkin Donuts, 496 Main Rd.

Kass Sandwich Shop Corp. d/b/a Subway of Tiverton, 1289 Stafford Rd.

Susan's Restaurant Inc., (Wally's) 13 Crandall Rd.

Elaine's Country Store, 1204 Fish Rd

TRDR, Inc. d/b/a Red Dory Restaurant, 1848 Main Rd

Everett Lane Inc. d/b/a Family Ties Restaurant, 221 Main Rd

Famous Pizza, 433 Main Rd.

Gray's Ice Cream, Inc., 16 East Rd.

Helger's Ice Cream, 2490 Main Rd.

Joseph Daquay d/b/a Le Moulin Rouge, 1403 Main Rd.

HUEJAN INC., d/b/a Lil' Bear Sports Lounge, 983 Main Rd.

Macray's Seafood II Inc., 115 Stafford Rd.

VFW No. 5392, 134 Shove St

J & D Hot Dogs 1540 Bulgarmarsh Rd

Faith J. Bortz, d/b/a P.J.'s Café, 301 State Ave

Primrose Bakery, 115 Stafford Rd.

Provender, Inc., 3883 Main Rd.

New China Sea, Inc., 5-7 Main Rd.

Sabitado's Pizzeria, 1204 Fish Rd.

All Fresh Donuts Corp d/b/a Sip N Dip Donuts, 499 Main Rd

All Fresh Donuts Corp d/b/a Sip N Dip Donuts, 2 Crandall Rd

Spring Restaurant, Inc., 118-120 Main Rd.

Tom's Market of Tiverton, Inc., 492 Main Rd.

Themie, LLC d/b/a Dunkin Donuts, 1735 Stafford Rd.

Father Joseph Boehr Columbian Club, Inc., 28 Fish Rd

Evelyn's Nanaquaket Drive-In, Inc., 2335 Main Rd

Town Clerk Mello suggested removing Bayview Holy Ghost Citizens Club at this time, see liquor license renewal.

Councilor Pelletier made a motion, seconded by Councilor Pelletier to Approve the Victualling License Renewals except for Bayview Holy Ghost Citizens Club, subject to meeting all legal requirements. Motion passed unanimously.

Holiday License Renewals

Aquidneck Fasteners, Inc., 36 Aquidneck Dr

Bridgeport Seafood Market, 2117 Main Rd

Cigarsmiths, 115 Stafford Rd

Coastal Computers, 438 Main Rd.

The Cottage at Four Corners, 3847 Main Rd.

Country Auto Sales & Service, Inc., 1230 Stafford Rd.

Courtyards LTD, 3980 Main Rd.

RI Yogi Raj LLC d/b/a North Tiverton News, 15 Main Rd.

Cumberland Farms, Inc., #1121, 1860 Main Rd.

Manchesters Tree & Landscaping, 2970 Main Rd.

A. Lattville dba Riverside Marine 211 Riverside Dr

The Metal Works Corp, 3940 Main Rd.

Michael's Florist, 137 Main Rd.

Milk & Honey Bazaar, Inc., 3838 Main Rd.

M&R Feed store, Inc., 329 King Rd.

Natures! Prof. Nancy M. Swing, 1782 Main Rd

Rt 177 Flea Market 1560 Bulgarmarsh Rd

Phil's Propane, Inc. 477 Crandall Rd.

CVS Pharmacy Inc, 1086,500 Main Rd.
Don's Marine Sales & Service, Inc. 2503 Main Rd.
Sanford & Son LTD, 104 Cynthia Ave
Eds Auto Repair, 126 Bear's Den Rd.
SFS Corp d/b/a Elaine's Countrv Store, 1204 Fish Rd
Envy Gymnastics, Inc., 935 Main Road
Euro Gifts LLC d/b/a Fireworks Connection, 34 Main Rd
Dolgen Rhode Island LLC dba Dollar General 567 Main Rd
Stafford Auto Sales 1296 Stafford Rd
General Auto Recvcling, Inc. 384 King Rd
Gravs Ice Cream, Inc. 16 East Rd
Speedway, LLC d/b/a Speedway #39211, 1308 Stafford Rd
A-1 Petroleum dba Stonebridge Liquors, 861 Main Road
Tiverton Auto Parts, 541 Bulgarmarsh Rd.
The Hose Connection, Inc., 25 Wm S Canning Blvd.
PD Humphrey Co. Inc., 590 Main Rd.
Alan J Lagasse d/b/a Lagasse Salvage Yard, 20 Corv's Lane
William S. Sanford, Inc., 367 Bulgarmarsh Rd

Maxi Drug South LP d/b/a Rite Aid, 677 Main Rd.
East Lake Variety Inc. 750 East Rd.
Silk Road Traders at Gallery 4, 3848 Main Rd.
Standish Boatvard Inc., 1697 Main Rd.
Step by Step Mart Inc., 429 Main Rd.
Tiverton Convenience Point d/b/a
State Line Tobacco, 29 Stafford Rd
Tom's Market of Tiverton Inc. 492 Main Rd
Three Ducks Car Wash & Gas, 400 Main Rd.
Tiverton Auto Parts, 533 Bulgarmarsh Rd
Tiverton Sun, 497 Main Rd.
Towne Motor Sales, 109 Main Rd.
Viti Inc., 975 Fish Rd.
Innovative Pools and Spas 295 Main Rd

DPW Director Berlucchi requested the similar conditions for RI Yogi, North Tiverton News, which were put on their Tobacco Dealer's license.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Grant the Renewal of Holiday Licenses as listed except for RI Yogi RAJ LLC, d/b/a North Tiverton News. Motion passed unanimously.

Councilor Perry made a motion, seconded by Councilor Chabot to renew for one month the Holiday License for RI Yogi RAJ LLC, d/b/a North Tiverton News for a payment plan or full payment. Motion passed unanimously.

4. Flea Market License Renewal – Tom Quелlette's Rte. 177 Flea Market, 1560 Bulgarmarsh Road

Town Clerk Mello had confirmed with legal counsel to request a 3 month renewal for this license, need full reports from the Fire Marshall and Building Official.

Councilor Pelletier made a motion, seconded by Councilor Perry to Grant a 3 month renewal for the Flea Market License with reports from the Building Official and Fire Marshal. Motion passed unanimously.

5. Mobile Home-Park License Renewals

Dadson Mobile Home Owners Assoc d/b/a Dadson Mobile Estates, 301 Bulgarmarsh Rd
Four Seasons Mobile Home Cooperative Assoc, 225 Brayton Rd
Heritage Home Park Cooperative Inc., 100 Heritage park
Pachet Brook Park Inc., 4502 Main Rd

Nothing was brought up regarding the Mobile Home Park License renewals.

Councilor Perry made a motion, seconded by Councilor Pelletier to Approve all four Mobile Home Park License Renewals. Motion passed unanimously.

8. Manufactured Housing Elderly Community Renewal

Hometown Countryview LLC dba Countryview Estates 213 Hurst Lane

Town Clerk Mello noted a recommendation was received from the Planning Board for this renewal.

Councilor Perry made a motion, seconded by Councilor Sousa to Approve the Manufactured Housing Elderly Community Renewal for Hometown Countryview LLC dba Countryview Estates 213 Hurst Lane. Motion passed unanimously.

9. Petroleum Storage License Renewals

Dennis Motta d/b/a Danny's Service Station, 99 Crandall Rd
A-1 Petroleum LLC dba Stonebridge Gas, 861 Main Road

Three Duck's Gas & Car Wash, 400 Main Rd
Speedway LLC d/b/a Speedway #39211, 1308 Stafford Rd
Tiverton Public Works, 50 Industrial Way
Ferrell gas Inc., 896 Fish Rd
Tiverton Marina d/b/a Standish Boatyard, 1697 Main
Inland Fuel Terminals, 25 State Avenue
SK Properties-Kingsfisher Housing Assoc, 40 Alicia Circle
SGA Inc. dba George's Gas & Service Station 1215 Stafford Rd
Andrew E. Snider, 605 Neck Rd
Tiverton Sun, 497 Main Rd
Phil's Bottled Gas Service, 477 Crandall Rd

No issues were brought up regarding the Petroleum Storage License renewals.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Petroleum Storage License Renewals as listed. Motion passed unanimously.

10. Fireworks License Renewals

Euro Gifts LLC/Firework Connection, 34 Main Road
North Tiverton News, 15 Main Road
NIMRAJ Inc. /Crossroads Liquors, 1540 Bulgarmarsh Road
Tiverton Convenience Point Inc., 29 Stafford Road
Step by Step Mart, 429 Main Road
East Lake Variety, Inc., 750 East Lake Road
Elaine's Country Store, 1604 Fish Road
Dolgen Rhode Island LLC dba Dollar General 567 Main Rd
Robert Vital dba East Coast Fireworks 1560 Bulgarmarsh Rd

Councilor Perry made a motion, seconded by Councilor Chabot to Approve the Fireworks License Renewals as listed except for North Tiverton News, 15 Main Road. Motion passed on a vote of 6-1, Councilor Pelletier opposed.

Councilor Sousa made a motion, seconded by Councilor Sousa to Grant a 30 day Fireworks License Renewal for North Tiverton News, 15 Main Road. Motion passed on a vote of 6-1, Councilor Pelletier opposed, did not like fireworks.

11. Antique License Renewals

Nancy Walker, d/b/a Artisan Antiques, 2423 Main Road
Mark Faris, dba Second Season Antiques, 1060 Crandall Rd

There were no issues regarding the Antique License Renewals.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Antique License Renewals as listed. Motion passed unanimously.

12. Indoor Shooting Range Renewals

a. Randy Lebeau dba Sakonnet River Outfitters 777 Main Rd
b. Tiverton Rod n Gun Club 1529 Fish Rd

Town Clerk Mello noted Mr. Lebeau's license would be granted but not issued until the shooting range has been inspected.

Councilor Perry made a motion, seconded by Councilor Chabot to Approve the Indoor Shooting Range License Renewals for the two listed. Motion passed unanimously.

13. Quarry License

a. CMC FLP Charles Coelho (Owner) 1764 Crandall Road

Town Clerk Mello explained a recommendation was received from the Planning Board, the ordinance is supposed to be changed. Mr. Coelho complies, submits a bond, and applies for renewal even though this quarry is inactive. T/A Wojcik noted the Town was waiting for granite to be added to the legislation.

Councilor Perry made a motion, seconded by Councilor Chabot to Approve the Quarry License as listed. Motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

Open Space Commission – One Vacancy- 3 Year Term to 4/15/2018

Jean Paul Forcier, 65 Bobbin Hill Rd – New Appointment Request

Councilor Perry made a motion, seconded by Councilor Pelletier to Appoint Jean Paul Forcier, 65 Bobbin Hill Rd to the Open Space Commission for a 3 Year Term to 4/15/2018. Motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Town Administrator - Approval of Personnel Handbook Previously Distributed on August 24th

Administrator Wojcik explained this has gone through a lengthy process, has been vetted by Labor Counsel, comments from Councilor Chabot have also been incorporated. Removed all references to company and replaced with Town, added words office and residence, established behavioral guidelines. Used words residents/tax payers who are two major classes of customers. The crux of this document is the RI Rule of Ethics, for example employees cannot accept gifts. Covers many topics including use of electronic devices, family medical leave, benefits the Town where all the contracts are silent. Once it is in place everyone will read and sign off on it. Councilor Sousa questioned if it says anywhere at all employees are not allowed to conduct personal business on company time. Both T/A Wojcik and Councilor Chabot affirmed it did. Councilor Chabot had reviewed the handbook, covered so much material, was necessary. Thanked the Administrator for a good job.

Councilor Chabot made a motion, seconded by Councilor Perry to Approve the Personnel Handbook. Motion passed unanimously.

F-FINANCIAL BUSINESS:

1. Toni Lyn McGowan, Tax Collector – Request Approval of Abatements for Uncollectable Motor Vehicle and Tangible Taxes Totally 15,055.54

Tax Collector, Toni Lyn McGowan explained these abatements were 10 years old, have mailed numerous delinquent notices and had a collection agency attempt as well. Now beyond the statute of limitations and are uncollectible, requesting approval of the abatements.

Councilor Perry made a motion, seconded by Councilor Pelletier for Approval of Abatements for Uncollectable Motor Vehicle and Tangible Taxes totaling \$15, 055.54. Motion passed on a vote of 6-0-1, Councilor deMedeiros abstained, not at Council table.

G-NEW BUSINESS:

1.Chief Lloyd – Request Approval to Declare 1999 International 4900 KME Pumper as Surplus and Approve Bid to Purchase Same by Michael Hoffman for \$4000.00

Chief Lloyd left the Council meeting earlier to respond to a call. T/A Wojcik explained this was a defunct piece of equipment, only for collectors or restorers. Would be a very unique sale and purchase, not needing to go out to bid, has been stored on the DPW lot for several years.

Councilor Sousa made a motion, seconded by Councilor Perry to Approve the Sale. Councilor Sousa recalled the original price was \$290,000. Councilor Perry noted some other towns turn theirs in for credit. T/A Wojcik noted if there was residual value then that could happen. Working toward that in the budget cycle. Motion passed on a vote of 6-0-1, Councilor deMedeiros abstained, not at Council table.

2. Chief Lloyd – Request Council President Approve and Appoint a Committee to Look at Recruitment and Retention of Fire Fighters for Town of Tiverton

Administrator Wojcik noted the prior discussions, is a national issue as well. Need to come up with specific recommendations for each, Fire and Police Departments. Need a working group which should include at least one member of the Council, suggested Chief Lloyd, the Administrator and a member of the bargaining unit be part of the group. Councilor Sousa opined the professionals were paid peanuts, hopped back to having a private ambulance service. President deMedeiros noted Councilor Perry volunteered to be in the group, suggested two union members as well. T/A Wojcik suggested having a member of the Personnel Board as a liaison. Sally Black suggested contacting the Career Center at the School. T/A Wojcik noted this would not be a public body.

3. Tiverton Library Foundation Request for Liquor License for Spring Event at the Library

Eileen Browning, Library Foundation Chair explained last year the event was held at the library but the building had not yet been deeded. Seeking permission to serve beer and white wine would like to have the Gala in the library to showcase the building. Assistant Solicitor Skwirz requested more time to reach out to the Trust to determine the liability and the insurance rates. Ms. Browning noted at last year's gala there was insurance, police details and TIPS certified bartenders. Cannot make commitments without an answer. Councilor Sousa opined there was a State law, can't serve alcohol in Town buildings. Town Clerk Mello had discussed with Solicitor DeSisto, found three different conflicting places in the ordinance and policies. Solicitor DeSisto wanted to review further recommended continuing for another meeting. Assistant Solicitor Skwirz had not found a prohibition in State law, is an ordinance issue. Chief Blakey agreed, did not know of a State law prohibiting, cautioned about issuing could open a can of worms. President deMedeiros noted it will be on the next agenda.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. DPW Director Steve Berluca – Request Award of Bid for Bituminous Concrete Crusher Services to A.J. Potter & Sons of Westport, MA for the Low Bid of \$28,500

DPW Director Berluca explained A.J. Potter & Sons have done a satisfactory job for the last 4 years, recommend award of the low bid.

Councilor Perry made a motion, seconded by Councilor Chabot to Approve the Award of Bid for Bituminous Concrete Crusher Services to A.J. Potter & Sons of Westport, MA for the Low Bid of \$28,500. Motion passed unanimously.

2. DPW Director Berluca – Request Award of Contract to Purchase a Hotbox for Cold Weather Pothole Repairs to Immobiliare, Inc. of Peabody, MA for \$9,985

Director Berluca explained only 1 bid was received, is a reconditioned unit, if new would cost \$40k. Have seen the unit, is in good shape, recommend award.

Councilor Perry made a motion, seconded by Councilor Chabot to Award the Contract to Purchase a Hotbox for Cold Weather Pothole Repairs to Immobiliare, Inc., of Peabody, MA for \$9,985. Motion passed unanimously.

3. DPW Director Berlucahi – Request Award of Contract to Purchase Recycling Totes to CESCO of New Haven, CT. for \$27,550

Director Berlucahi explained went out to bid for 64 & 48 gallon totes, only one eligible was received that met all the specific requirements including the 18 year warranty and the way the totes are made. CESCO with a bid of \$27,550 met all the specifications, recommend award. Will be able to purchase around 500 totes and charge the residents half price, \$27 for the 48 gallon and \$28 for the 64 gallon tote. Will start to take name tomorrow, expect delivery in 5 weeks.

Councilor Perry made a motion, seconded by Councilor Chabot to Award the Contract to Purchase Recycling Totes to CESCO of New Haven, CT for \$27, 550.

4. Chief Lloyd – Request Council Vacate Previous Contract Award for Curran and Woodard to Assist in Re-Write of Hazard Mitigation Plan and Approve New Agreement with CDR McGuire for \$13,080

Administrator Wojcik requested this item be continued, not yet ready to sign the contract. President deMedeiros noted this item would be continued to the next meeting or when it's ready for the agenda.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

There were no Administrator announcements.

J-COUNCIL ANNOUNCEMENTS:

Councilor Perry wished everyone a Happy Thanksgiving.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor items or announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

1. Update on Special Election January 5, 2016

Town Clerk Mello reminded the Special Primary Election is next Tuesday, December 1 for Senatorial District 11. Voting will be at the Town Hall for Precinct 3304 only. Call the Clerk's office with any questions.

2. Discussion of Council Meeting on December 28th

Town Clerk Mello questioned if the Council wanted to hold the December 28 Council meeting. It is a very short turnover for that agenda from the meeting on December 14. It would have to be ready for posting by that Wednesday. President deMedeiros noted the concern was in preparing the agenda. Town Clerk Mello was putting as much as possible on this and the December 14 agenda.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Cancel the December 28, 2015 Town Council meeting. Motion passed on a vote of 6-1, Councilor Sousa opposed.

Town Clerk Mello had distributed to the Council the Municipal Court Judge resumes for the meeting on December 14. Will put them on for interviews, can do first.

CLOSED EXECUTIVE SESSION:

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

2. Town Administrator – 42-46-5(a) (2) – Collective Bargaining – IAFF

3. Town Solicitor – 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: Town Administrator – Potential Litigation. On a roll call vote the motion passed unanimously.

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

Assistant Solicitor Skwirz noted it was not necessary to have Executive Session for item number 3. A motion was needed for item number 2.

Councilor Lambert made a motion, seconded by Councilor Pelletier to stay in Closed Executive Session pursuant to 42-46-5-(a) (2) – Town Administrator – Collective Bargaining – IAFF. On a roll call vote the motion passed 6-0-1; Councilor deMedeiros abstained, not at Council table.

The Council entered into Executive Session at approximately 9:35 p.m.

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

OPEN SESSION:

In Open Session President deMedeiros announced no formal action had been taken.

Councilor Sousa motioned to seal the minutes of executive session, seconded by Councilor Perry. Motion passed unanimously.

ADJOURNMENT:

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

Council adjourned at approximately 10:15 p.m.
A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

MINUTES FROM CLOSED PORTION OF EXECUTIVE SESSION – NOT SEALED

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

The Town Council of the Town of Tiverton, County and State aforesaid held an Executive Session on Monday the 23rd day of November 2015 at 6:30 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 Assistant Solicitor Peter Skwirz were also present

OPEN SESSION

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

Councilor Perry made a motion, seconded by Councilor Sousa to enter into Closed Executive Session pursuant to Town Administrator– 42-46-5(a) (5) – Disposition of Town Held Real Estate – Industrial Park. Motion passed unanimously on a roll call vote 5-0. (Councilor Lambert and Chabot arrived during closed session.

Council entered into Closed Executive Session at approximately 6:32 pm.

Solicitor Peter Skwirz addressed Council with some concerns on standstill agreement distributed in packet allowing Legacy time for due diligence and the Town agrees not to market certain parcels in IP. The issue refers to Exhibit A of assessor’s plat 109, lot 102. Standstill agreement implies Council has authorization to sell directly to Legacy and need to clarify specifically authorized in FTR to sell by competitive sealed bid auction process. Council President deMedeiros commented problem with standstill cannot agree that parcel is part of agreement since needs to be open to bid, can’t make guarantees to Legacy. Solicitor Skwirz agreed standstill will need addendum stating that parcel subject to different process. Needs to be made clear.

Administrator suggests carve out that parcel. Can have seal bid action and award can include reverter contingent on sale of other parcels. Solicitor Skwirz commented would need to look into further.

Councilor Pelletier also raised need for changes that Council had already requested be removed weeks ago. Agreement indicates selling entire park and mentions IP defined as entire park.

Resolution has caveat regarding that parcel, need to separate and inform Legacy of the process and move forward from there; up to Legacy. Councilor Mello concerned with special use permit for mall in IP. Administrator informed the zoning code talks of shopping centers and retail complexes. Shopping center requires special use permit and retail complex does not; allowed by right. More specific the planned development park is an overlay. Solicitor opined if they need zoning will need to go through process.

Administrator added duty to bring to Council any project that has substantial merit. If either group rejects it ends. For years referred to as Industrial Park but in zoning called Planned Development Park with multi-phase project, substantial buildout and multiple uses permitted of offices and retail. Only piece not included is the 7.5 acres of police and DPW which is zoned highway commercial. Floating overlay district.

Council President entertained motion to approve standstill with addendum regarding police station parcel. Councilor Lambert motioned, seconded by Councilor Sousa.

Councilor Pelletier questioned the language defining area in paragraph one that Town shall not market the IP for 90 days. In first 2 paragraphs certain parcels. Solicitor opined should change to "Town will not market parcels listed Exhibit A".

Vote on motion 5-1. Councilor Mello opposed. Councilor Chabot not present at this time.

Bart Sides, Vice President of Legacy Development entered closed session. Solicitor Skwirz addressed standstill agreement. First issue paragraph 1 Town shall not market IP will be changed to be more specific as parcels listed in exhibit A. More significant issue, Plat 109, Lot 102 (police station). Town authorized to sell under FTR vote but process is by competitive sealed bid auction. To move forward this parcel needs to be removed from standstill agreement. Those changes would have to be made and clarified.

Bart Sides thanked Council for opportunity. Will do everything they can to welcome the public input and feels can come up with a concept that respects history of area. Will spend a lot of time learning about region and incorporate in project.

Councilor Chabot arrived at this time. 7:05.

Mr. Sides commented it will be open air shopping center and not enclosed mall. Will do something exciting and keeping with historic flavor of community. Lot of rock and wetland, topography to deal with. If successful tonight will sit with civil engineer tomorrow. Council President questioned if Mr. Sides is authorized to agree regarding changes relative to parcel in agreement. Sides confirmed authorized. Only comment is price stay where it is; looking at total number. Councilor Present will introduce in open session. Mr. Sides is prepared for few comments, have some booklets Legacy concept in Kansas City.

Returned to open session 7:20 p.m.