

**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 14th day of December 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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|-------------------|---|---------------------------|-----------------------|
| <b>Roll Call:</b> | <b>Denise M. deMedeiros - President</b> | <b>Jay J. Lambert</b>     | <b>Peter A. Mello</b> |
|                   | <b>Joan B. Chabot – Vice President</b>  | <b>Brett N. Pelletier</b> | <b>David Perry</b>    |
|                   | <b>Joseph R. Sousa</b>                  |                           |                       |

Town Administrator, Matthew Wojcik and Assistant Town Solicitor Peter Skwirz and Town Solicitor Anthony DeSisto (later arrival) were also present.

**5. CLOSED EXECUTIVE SESSION:**

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

Councilor Lambert made a motion, seconded by Councilor Chabot to go into Closed Executive Session for item 5-3, pursuant to 42-46-5(a) (2) re: Collective Bargaining – IAFF. On a roll call vote the motion passed unanimously. 6-0 Councilor Pelletier not present for vote.

Council entered into Closed Executive Session at approximately 7:02 p.m. Councilor Pelletier arrived at approximately 7:05 p.m. Council returned to open session at approximately 7:40 p.m.

**Approval of Consent Agenda:**

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

Council President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of item CA3a, Planning Board Regarding General Auto/ A&C Realty LLC Soil Erosion and Sediment Control Plan for Plat 602, Lot 115. Councilor Pelletier requested removal of item CA3b, Town Administrator Regarding Dangerous Buildings. Town Clerk Nancy L. Mello noted for item CA6, the day of the public hearing should be Monday and not Tuesday, advertising will be correct.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Consent Agenda except for those two items removed and the amendment to CA6 correcting the day. Motion passed on a vote of 6-0-1, Councilor Lambert abstained, not at Council table.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings:**

- a. Approval of Regular Council Meeting Minutes of November 9, 2015
- b. Approval of Regular Council Meeting Minutes November 23, 2015
- c. Approval of Special Council Meeting Minutes November 16, 2015
- d. Approval of Executive Session Minutes Council Meeting November 23, 2015

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

- a. Board of Canvassers (2)
- b. Historic Preservation Advisory Board

- c. Open Space and Land Preservation Commission
- d. Tiverton Prevention Coalition November News Letter
- e. Arts Council (4)
- f. Recycling/Landfill Committee (6)

**Correspondence – Receive and File**

c. CRMC Public Notice Application of Stephen Chace, 115 Nanaquaket Road

**A-4-Approval of Tax Assessor Abatements**

**A-5-Town Treasurer – November Budget and Revenue Reports**

**A-6-Town Clerk - Scheduling of Public Hearing to Amend Ordinance 78-71 Pertaining for Parking Restrictions Along Lepes Road as Recommended by Chief Blakey and DPW Director Berluca On Monday, January 25, 2016**

**A-7-Town Administrator – Distribution of Police and Fire Department Overtime Reports for November**

**A-8-Town Administrator – Department Monthly Report for November 2015**

**A-9-Kate Michaud, Administrative Officer Report of Activities for November 2015**

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**CA3-Correspondence – Receive and File**

**a.Planning Board Regarding General Auto/ A&C Realty LLC Soil Erosion and Sediment Control Plan for Plat 602, Lot 115**

Councilor Perry read the letter from the Planning Board regarding the Soil Erosion plan for General Auto Recycling, opined the Council does not listen to the recommendations of the Boards and Commissions. The Council approved and gave a license to this business, opined was not right. Councilor Pelletier noted the licenses were granted for 6 months, waiting for more information.

**b. Town Administrator Regarding Dangerous Buildings**

Councilor Pelletier requested a brief summary, Administrator Wojcik explained this was a significant matter of public safety and involves a number of town agencies. The memo mentions the State Law requirement and Town ordinances; State law requirement has been met, discussed with Neil Hall, Building Official and legal counsel regarding notification. Request Council accepts the recommendations of the Building Official, Public Works Director, Fire and Police Chiefs. Must notify 15 days prior to a hearing. This does not prevent the Town from tearing down immediately for public safety. Should place a lien against the property to recoup the demolition value, suggest a revolving fund to be reimbursed when the property is sold. Requested advice from Solicitor DeSisto on the process for the property to be sold; have to go to District or Superior Court for an execution. Have not torn down anything yet, will focus on the Hayden Avenue property. Councilor Sousa opined should have a structural engineer look at the building, have no one on staff. Mr. Hall, a certified building official, has sent two letters including by registered mail. Councilor Sousa wanted an engineer's report in writing. Mr. Hall explained the Hayden Avenue one is a dangerous building, is boarded up, no one has responded to the mailing. The back door has been torn down, has been abandoned over 1 year. T/A Wojcik explained the ordinance requires Council approval. Councilor Sousa suggested this has not gone through the Municipal Court system or enough legal maneuvers. DPW Director Steve Berluca had experience doing this in Massachusetts, is a civil engineer.

Councilor Pelletier made a motion, seconded by Councilor P. Mello to Approve items CA3a and CA3b. Motion passed unanimously.

**B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:**  
**PUBLIC PRESENTATIONS**

**1. Interviews for Municipal Court Judge**

**a.Andrew Aleman, Esq. Tiverton, RI**

Attorney Aleman was licensed in MA and RI, mostly practicing in tax law and consumer protection. Looks forward to enforcing the law in Tiverton, court here is convenient for the citizens rather than having to go to

Cranston. Attended Sacred Heart University and Roger William University Law School. President deMedeiros noted the Council had copies of the resumes.

**b. Wendy Taylor Humphrey, 163 Butler Avenue, Providence, RI**

Town Solicitor DeSisto explained his office had just received an email from Ms. Humphrey, was unable to attend, not given enough notice, will not be back from vacation until Wednesday, requested an interview at a later date. President deMedeiros noted the next Council meeting is not until January 11. Town Clerk Nancy Mello had spoken to Ms. Humphrey who said she would try to come back early, Town Clerk had explained the agenda was set for the interviews.

**c. James A. Donnelly, Jr., 275 Martine Street, Fall River, MA**

Attorney Donnelly has served as Municipal Court Judge for the last 3 years and was a former Town Solicitor. In that capacity Attorney Donnelly prosecuted cases for 19 years, has much experience in this area. Intend to be using the new library after the first of the year. Will be going to e-tickets sometime in January so a location needs to be established prior to that. It is inconvenient for the Town Clerk as her office is used as the robing room and for payments. The library has two rooms that can be used for that purpose. Councilor Pelletier questioned if there was a backlog of cases, had been some issue before. Attorney Donnelly explained there was no backlog of cases. President deMedeiros noted the appointment for Municipal Court Judge was later in the agenda, polled the Council to see if they wanted to wait to interview Ms. Humphrey. Town Clerk Mello explained a fourth person had applied, called to withdraw after the initial agenda was posted. Had also received a fifth resume that came in three weeks later. Town Clerk Mello noted the need for a better computer program for the court. As to postponing the appointment the Council was polled, Councilors Sousa and Perry were ready, Councilors P. Mello and Lambert were willing to wait, Councilor Chabot suggested the need to move on this appointment, Councilors deMedeiros and Pelletier agreed. President deMedeiros confirmed the appointment for the Judge would be later in the agenda.

**2. Stu Hardy, Comprehensive Plan Advisory Committee – Update on CPAC**

Stu Hardy, Chair of the Planning Board (the Board) gave the Council a brief update and progress report on the Comprehensive Community Plan Advisory Committee (CPAC). The process began over two years ago with Council appointments to the committee. The Board and CPAC have met for countless hours; 85-90% done. The volunteers do not have the technical background, mapping skills or the resources. Also here to ask for paid professional staff to help to complete the process. There are three outstanding items; the entire plan needs formatting and editing, secondly need some more mapping, the paid consultant has done most of the work. The most important map is the Future Land Map, has huge legal implications and still outstanding is Chapter 11, Tiverton Tomorrow, where staff assigns to Board and Commissions the responsibility of accomplishing each and every one of the policies in the Plan. There are several hundred policies in the Plan, estimate 40-60 hours of paid professional staff. Chairman Hardy noted right now Tiverton does not have a Comp Plan, it expired over a year ago, can verify that by going to the Statewide Planning website. Mr. Hardy noted the need for some urgency, should be a priority, absent a Plan the Town is at risk of losing control over its own future. Councilor Lambert, after citing several locations, requested a clear statement as to how much property is available for commercial and industrial use, there is just a small percentage that is usable of the maps shown in the Comp Plan. Mr. Hardy was here to explain the process, not on the substance. Once the staff deals with the other issues then the Board will request an informal joint hearing. The help could come from in house staff or outside consultants. Kate Michaud, Planning Board Clerk is an excellent resource; however Ms. Michaud has been spending a lot of time in the Building Official's Office and not in her office. Councilor Perry noted there was \$10,000 in the budget for that but was taken out of the elector's petition. Administrator Wojcik will look into it, not a lot of hours, staff could do it. Need to question the priorities and whether the software the Town has is adequate. Chairman Hardy explained the only thing not done in the land use chapter was the maps, believed Ms. Michaud could do that. After the joint meeting with the Council the document will go back to the Board to have a public hearing. President deMedeiros suggested checking with the Administrator, may have to put it on the next agenda.

## **ADVERTISED PUBLIC HEARING**

### **1. Public Hearing on Transportation Improvement Program (TIP) – Draft Priority List**

Town Planner Marc Rousseau referenced the draft document that was on the Consent Agenda at the last Council meeting which had 20 items on the list. Met with the Administrator, DPW Director and Kate Michaud to come up with a list of 10 priorities. The requirement for a local public hearing is new, requesting that the Council prioritize the list. A map of the 10 items for Transportation Project Priorities was handed to the Council. In order the map had the following legend: 1) Stone Bridge Abutment, 2) Canning/Stafford Roundabout, 3) Pond Bridge, 4) Fish Road Paving-Rte. 24 to Mass., 5) Fish Road Paving – Rte. 24 to Rte. 177 w/traffic signal @Rte. 177, 6) Riverside Drive Drainage, 7) Canonicus Street Reconstruction West of Main Road, 8) Bliss Four Corners Traffic Safety, 9) Main Road Reconstruction Riverside to Bridgeport and 10) Warren Avenue Resurfacing. The Canning Roundabout is listed for 2019. For some reason the State took off the list the roundabout at Bliss Corners. Canonicus Street is for sewers. Councilor Perry questioned why Warren Avenue, a lot of streets in Town were worse than that one. DPW Director Steve Berlucchi explained only a couple of streets qualify to be on the TIP list for the Federal Aid System. Canonicus and Warren traffic counts are up, another reason they qualify.

President deMedeiros opened the Public Hearing for comments from the public. Roger Bennis commented the list of 28 projects should also be on that list. The Council was handed out copies of that list, inadvertently left out of their packets. In the meantime Mr. Rousseau explained the Riverside Drive Drainage related the culvert and steel plate drainage. The list of priorities has to be submitted by 1/8/16. Mr. Bennis, referring to the list of 28 items suggested Old Stone Bridge is number one. Main Road Reconstruction was a misnomer, was really for the sidewalks on the west side to Main Road. Resurface Rt. 77, Main Road (Central Ave. to Fairfield Ave.), in the low priority section be moved to number 3, opined that road was in deplorable condition. Number 4 on the priority list should be the resurfacing of Highland Road from Bridgeport to Rte. 77, Highland Road. Mr. Bennis handed to the Clerk a copy of the TIP list submitted in 2011. Mr. Bennis suggested the four items he discussed be considered a priority. Peter Moniz had done some research, the current TIP list ends in 2016, and the State wants to go to a 10 year program and every year have the Town prioritize. Mr. Moniz suggested Stone Bridge be on the list as well as the Bike Path. Renee Jones questioned why if the Stone Bridge allocated money was federal money and earmarked for the Town, why does the Town have to keep prioritizing this? Councilor Pelletier explained there were Federal funds under the Main Street program where the Town was given permission to prioritize for the Stone Bridge project. Suggest leaving on the priority list as a policy statement, for any funding gap and for additional funds.

Administrator Wojcik echoed that frustration, just received a letter from RI Department of Transportation, basically stating they don't know where the money is. Will put on the website, the assertion from them is that only \$164k is left. Meeting with a very senior official on Friday, making significant progress. Councilor Pelletier has been working diligently along with the local General Assembly delegation. Never finalized any part of a binding agreement with the State, still trying to get to the bottom of it. Ms. Jones would put the abutment first, opined if the State wants a second casino they will fund it. President deMedeiros noted the roundabout was always a priority without the casino. Police Chief Thomas Blakey explained the streetlight at the intersection of Fish and Bulgarmarsh Road is a traffic safety issue, has met all the warrants for a streetlight there for 2016, now the State wants to put off until 2018; it is important as people will seek an alternate route to avoid the casino area. Chief Blakey agreed about the importance of the roundabout, once the Town said no to any part of the design the State stopped working on it. The repaving of Main Road was supposed to take place years ago; the funds that were earmarked for it instead went to the stimulus program. President deMedeiros called for comment from the public three more times, hearing none closed the public portion of the hearing, called for Council comment.

Councilor Pelletier opined the Stone Bridge abutment was of paramount importance for a number of reasons, questioned if the list will be similar to the draft list with high, medium and low priority sections. Councilor Chabot questioned why some things were listed twice on the draft list and why some of the items from the map list were not on the draft list. Mr. Rousseau explained the map list had some new projects; came from the State, so the new items will be added to the list. The items that appear twice were duplications, will add to the map list the three things that were requested, the Bike Path, resurfacing Bridgeport Road to Highland Road and resurface Main Road from Central Ave to Fairfield Ave. T/A Wojcik clarified the 28 items on the draft list was done by the

State, currently in place for 2016. Explained the duplicated items were for bridges, the Bliss Corner Enhancement was for the roundabout at that intersection and the Hazard Elimination for that area included signage, sidewalks, lights and curb cuts. Those were separate projects. Councilor Perry clarified the Council was just re-defining the top 13 and leaving the 28 items on the draft list. Councilor Pelletier reiterated it would be the top 10 from the map list along with the Bike Path, resurfacing Highland Road from Bridgeport Road to Rte. 77 Highland Road and resurfacing Main Road from Central Avenue to Fairfield Avenue in that order.

Councilor Perry made a motion, seconded by Councilor Sousa to add 3 items to the High Priority List, the Bike Path, resurfacing Highland Road from Bridgeport Road to Rte. 77 Highland Road and resurfacing Rte. 77 Main Road from Central Avenue to Fairfield Avenue. Motion passed unanimously.

## **C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:**

### **Non Advertised Renewals – Victualling Licenses – December 1, 2015 to 11/30/2016**

#### **1. Victualling License Renewals**

##### **a. Riptide Sports Grill, 1 Bay Street – Subject to Meeting All Legal Requirements**

##### **b. Sakonnet River Grill, 524 Main Road – Subject to Meeting All Legal Requirements**

Town Clerk Nancy Mello explained these two renewals were inadvertently left off the renewal list. The victualling license for Riptide would be granted but not issued. Councilor Pelletier suggested the victualling license be subject to the limitations of the seating capacity of the liquor license and the other restrictions that were placed.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Victualling License for Riptide Sports Grill, 1 Bay Street subject to meeting all legal requirements including the restrictions comparable to the restriction that the Council put on the liquor license that established that approval at that time. The motion passed on a vote of 6-1, Councilor Perry opposed.

Councilor Pelletier made a motion, seconded by Councilor Sousa to Approve the Victualling License Renewal for Sakonnet River Grill, 524 Main Road, subject to meeting all legal requirements. Motion passed unanimously.

#### **2. New Victualling License**

##### **St. Christopher Church, 1554 Main Road – Subject to Meeting All Legal Requirements**

Town Clerk Mello explained this was a new victualling license, don't normally license but they came forward, do not charge them for the license. This will trigger the Fire Marshall to do inspections of the kitchen.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve a Victualling License for St. Christopher Church, 1554 Main Road, subject to meeting all legal requirements. Motion passed unanimously.

#### **3. Jason Kobelecki, 135 Caribou Way, Tiverton – Request Renewal of Private Detective License Subject to Meeting All Legal Requirements**

Chief Blakey noted the State and local background check indicated nothing to prevent renewal.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Approve the Renewal of Private Detective License for Jason Kobelecki, 135 Caribou Way, Tiverton, subject to meeting all legal requirements. Motion passed unanimously.

## **D-APPOINTMENTS & RESIGNATIONS:**

#### **1. Resignations**

##### **Recreation Commission**

**a. Tom Pearce, Jr., 49 Antelope Way**

**b. Susan Gill, 1392 Main Road**

**c. Susan Zmich, 150 North Christopher Avenue**

**d. Kristen Plourde, 117 Merritt Avenue**

Councilor Sousa made a motion to table the 4 Resignations from the Recreation Commission to the next meeting. Councilor Sousa would like to reach out to them, or have the Administrator ask them to reconsider. Have a lot of respect for this commission, like to postpone to the next meeting. President deMedeiros pointed out Mr. Pearce's resignation was due to personal responsibilities. Councilor Sousa suggested waiting until the next meeting. The motion was seconded by Councilor Chabot at this time. Ms. Gill requested to speak, Solicitor DeSisto cautioned, if one person speaks then have to open it to everyone. This is only on the agenda for resignation, not general discussion, would have to be on a future agenda for discussion. Councilor Pelletier noted if the Council does not accept cannot stop them from resigning. Ms. Gill opined since it was her resignation she a right to speak. Solicitor DeSisto explained under the Council rules, 3e, Speaking by Members of the Public, members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment once, for a period of three minutes, or longer at the discretion of the President, and at other times only when invited to do so by the President. If one person is allowed to speak then all should be allowed. Solicitor DeSisto concerned that people were not aware of the discussion which should be at a separate meeting. President deMedeiros noted the discussion of the resignation may lead to another discussion about the Recreation Commission. Solicitor DeSisto cited Powers vs Folly, 1952, which stated a resignation becomes effective upon approval of the proper authority. Councilor P. Mello pointed out Ms. Gill could speak about this during the Open Public Forum, Solicitor DeSisto agreed. President deMedeiros decided to allow Ms. Gill to speak.

Ms. Gill felt obligated to the Council, the public, town employees and all the volunteers who work hard and give of their time. Not here for political reasons, did not appreciate the dressing down of the Recreation Commission members in public or being chastised publicly. The Recreation Commission members were spoken of unfairly. Highly offended by an email received from Administrator Wojcik, up to this meeting no one has reached out to her, November 20 was the last communication with the Administrator. Ms. Gill handed out a packet and copies to the Clerk for the Council and to the press. Had several months of meetings for the Holiday event, just needed to be heard. Willing to stay on the Planning Board which reports to the Council and not the Town Administrator. Cannot function with the mistreating of the volunteers. Councilor Sousa requested a vote on the motion. The motion to continue this to the next meeting passed on a vote of 4-3, Councilors Perry, deMedeiros and Pelletier opposed.

Councilor Lambert citing the 15<sup>th</sup> Amendment opined the Council did not have to accept the resignations to be effective. Expressed gratitude to all the members of the Recreation Commission and to Ms. Gill who did an excellent job, hoped Ms. Gill would reconsider. President deMedeiros noted the Town Clerk will put the 4 resignations on the next agenda. Councilor Pelletier thanked both members for serving and the Commission for trying to make the Council aware. The 2 most recent events were tremendously well attended well organized. Councilor Chabot reiterated, the activities were for the kids including members of the Arts Council helping the kids make ornaments, had a tremendous turnout. It is important that different committees get together, appreciated the effort and the wonderful job.

### **Economic Development Committee**

**e. Susan Gill, 1392 Main Road**

Councilor Sousa made a motion, seconded by Councilor Lambert to table this to the next meeting. The motion failed on a vote of 3-4, Councilors Perry, P. Mello, deMedeiros and Pelletier opposed.

Councilor Perry made a motion, seconded by Councilor Pelletier to Accept the Resignation of Susan Gill from Economic Development Committee. The motion failed on a vote of 3-4, Councilors Sousa, Lambert, Chabot and Pelletier opposed.

Town Clerk Mello repeated the motion and the votes, both failed.

**2. Appointment of Municipal Court Judge – Two Year Term to November 2017 per Tiverton Town Charter Section 805(b)**

Councilor Lambert moved to Reappoint James A. Donnelly, Jr., Esq., to the position of Municipal Court Judge for a two year term to November 2017. Seconded by Councilor Perry the motion passed unanimously.

Town Clerk Mello will send out thank you letters to all the applicants.

**E-UNFINISHED BUSINESS:**

**1. Tiverton Library Foundation – Permission to Serve Alcohol at 2016 Library Fundraising Gala at Tiverton Library on April 30, 2016**

Solicitor DeSisto explained there were 3 separate provisions regarding this request to serve alcohol. Citing Section 54-35 of the Town Code, Alcoholic Beverages, the sale of alcoholic beverages is prohibited at all town facilities, unless a class F liquor license has been issued by the town. The serving of alcoholic beverages at town facilities or on town property for ceremonial purposes in conjunction with town approved events shall be at the discretion of the town council. This is what the Library Foundation is asking for tonight. In Section 6-52, the use of one-day liquor licenses on town-owned property is prohibited and licenses will otherwise be issued to the following conditions. The Policy for the Use of Town Buildings also prohibits the use of alcohol in any Town Building. If the Council approves alcohol can be served but not sold, the Trust suggests having a Class P caterers license be used in conjunction with this. Another option under 54-35 where alcohol can be served but not sold, need TIPS certified servers, not serving drink tickets and having the Town named under additional liability. Councilor Pelletier suggested increasing the price of the tickets and giving two other tickets with the admissions ticket. Councilor Perry suggested calling them beverage tickets. Solicitor DeSisto noted there are some conflicts here; suggest the Council may want to consider amendments. Town Clerk Mello noted the Council would have enough time to address before the gala. Solicitor DeSisto explained the Trust preferred to have this as a Class P, puts the responsibility out of the Town, it would take an amendment of the ordinance to have the caterer take the drink proceeds out and give them to the library. Councilor Pelletier suggested the Council could approve, stipulate not paying for alcohol but being included in the price. Solicitor DeSisto can forward language to the Council for a Class P license to serve alcohol on Town property.

Councilor Pelletier moved to Grant permission for the Library Fundraising Gala at Tiverton Library on April 30, 2016 permission to serve beer and wine at the Gala subject to serve but not sell alcohol at the event, subject to TIPS certified and insurance and subject to meeting all legal requirements. The motion, seconded by Councilor Chabot passed unanimously.

**F-FINANCIAL BUSINESS:**

There were no items for Financial Business.

**E-NEW BUSINESS:**

**1. Bay Street Area Moratorium - Vote on Extension of Moratorium to June 30, 2016**

Town Clerk Mello explained approximately 50 properties have been remediated, Solicitor DeSisto will be drafting something for the Clerk to record releases for the properties cleared by Department of Environmental Management (DEM). There were some 86 properties. Attached a chart to the Resolution that shows the property remediated and the various letters of compliance. Councilor Sousa questioned the abatements to some of those properties, Administrator Wojcik explained going forward will not have abatements however the use of those properties will be restricted forever, will have diminishing value.

Councilor Perry moved to Extend the Bay Street Area Moratorium to June 30, 2016. The motion seconded by Councilor Sousa passed unanimously.

**Adopted Resolution attached at end of minutes**

## **2. DPW Director – Request Approval of Holiday Free Trash Bag Program – December 28 to January 2, 2016**

Director Berlucchi explained this was the third year for this program for two free bags of trash being put out one week after Christmas. The volume is tripled during that time from Dec 28 to Jan 2, has been very successful.

Councilor Perry moved to Approve the Holiday Free Trash Bag Program during the week of December 28 to January 2, 2016. Seconded by Councilor Sousa the motion passed unanimously.

## **3. Town Administrator – Distribution of Memorandum Regarding Moody’s Rating – Bond Refunding**

Administrator Wojcik explained a while ago it was determined the Town would be able to refund or refinance bonds for the High School and Ranger School for a more favorable interest rate. The Town borrowed in a pool with several other towns. When the analysis came back it was found Tiverton was in a weaker financial position than the other communities. It was recommended from the State to remove the Town from the group and give it a funding package at its own interest rate. The Town was rated A1 by Moody’s (5 tiers from the top of their scale). The last rating was done by Standard & Poor (S&P) which has a different rating system; it was AA stable three levels from the top of their scale. The savings are a significant amount of money, \$100,000, for the Town. Generates close to \$800k which must be shared with the State over the life of the loan, due up in 2022. Town Treasurer Denise Saurette was not surprised, was a bit of a disappointment, and predicted this would happen with using money from the Unrestricted General Fund (GF) to balance the budget. T/A Wojcik added the entire State is rated the same, the difference from the Town rating is from using the GF to balance operations. Suggest having a strong policy in place including a review of using the previous year surplus for deficit spending. Councilor Lambert questioned the result of the downgrading and the financial impact. Treasurer Saurette noted there was a \$100k interest rate differential and added to that is \$13k for the State’s overall rating, averages out to be \$107k over 7 years. T/A Wojcik cannot recommend having any more general obligation debt, close to the cap right now. Councilor Sousa questioned what mechanism the Town could use to challenge the rating. Councilor Pelletier opined it would cost much more to hire a fleet of analyst and lawyers to challenge the rating.

## **4. Litter Committee – Request Resolution to Create a Litter Commission Separate from the Conservation Commission**

Town Clerk Mello explained Natalie Cote; former member of the Conservation Commission asked this to be considered. Conservation Commission Chair, Trish Hilton noted the Litter Committee started as a subcommittee of Conservation, on paper they report to them. Conservation does not have enough people to help staff this subcommittee, this way the Litter Committee would be able to seek out grant money. Councilor Lambert requested the specifics on what this committee does now and the funding. Ms. Hilton noted they did not have any budget but find volunteers throughout the Town to adopt a street, an area or a neighborhood to keep clean. Conservation supports this resolution, Solicitor DeSisto noted this resolution would create the committee, Council has the authority to do so, can amend the Town Code with specifics at a later date.

Councilor Sousa moved to Approve the Resolution to Create a Litter Commission separate from the Conservation Commission. The motion, seconded by Councilor Perry, passed unanimously.

**Resolution attached at end of minutes.**

## **5. Council President deMedeiros – Request Resolution Establishing a Casino Sub-Committee**

President deMedeiros explained this subcommittee would have the Town Administrator, one of the State Representatives, someone from the casino, the lawyer and perhaps two Councilors keep on top of the issues raised at the public hearing , keep it moving along and report back to the Council. Solicitor DeSisto noted additional legislation will be submitted at a future public hearing. An agreement with the State was mentioned and discussion of a host agreement. Councilor Lambert requested the Council get a copy of the State Constitution, the provisions that apply, State statutes and copies of ordinances from Lincoln and Newport. Chief Blakey can also give copies of the gaming commission rules as well. Councilors Sousa, Pelletier and Perry were interested in being on this committee. President deMedeiros noted this committee would help in communicating

with the public and would meet with representatives from the casino. Councilor Chabot noted, not much to the Resolution, had no structure, details, how they were going to communicate, goals or the work product. Solicitor DeSisto explained who would be on the committee would be up to the Council, would be an ad hoc committee. President deMedeiros will put on the January 11 agenda. Town Clerk Mello requested Councilors email suggestions to be added to the resolution before the meeting.

**6. Town Administrator – Authorization to Hire Steere Engineering of Warwick, RI for Professional Engineering and Related Services per Recommendation Kate Michaud, Planner Marc Rousseau and Town Administrator**

Administrator Wojcik explained Steer Engineering met the requirements of the Request for Proposals/Qualifications which were not determined on price alone, configured to support the needs of the Town. Sought the advice of the Planning Board. The Town Planner, Kate Michaud and the T/A ranked, the top two, Steere and Pare Engineering were interviewed by the Planning Board. The Planning Board recommended Steere Engineering; Deidre Paiva, long time Town engineer, is a member of that firm. Ms. Paiva is very detail oriented, insightful, was very good for the Town. There are a lot of good professionals, Steere has a depth of expertise and engineers.

Councilor Perry moved to Authorize to Hire Steere Engineering of Warwick, RI for Professional Engineering and Related Services. Councilor Pelletier seconded the motion. Councilor Perry noted DPW Director Berlucahi had expressed some concerns at the Planning Board meeting. Director Berlucahi has met with Ms. Paiva, fully supports this hiring, was concerned about water related issues, assured there is some depth. Motion passed unanimously.

**H-BIDS AND REQUESTS FOR PROPOSALS:**

**1. DPW Director Berlucahi – Request Authorization to Go to Bid for Replacement of (2) New Heating Oil Furnaces Including Installation for DPW**

Director Berlucahi explained the funds were in the budget for two heaters, one is where the trucks are stored, and the other one is in the mechanics area. Both heaters have to be replaced, was approved at the Financial Town Referendum for \$7,500.

Councilor Perry moved to Authorize the request to go to Bid for Replacement of (2) New Heating Oil Furnaces including Installation for DPW. The motion, seconded by Councilor Pelletier passed unanimously.

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

Barbara Pelletier noted Where in Tiverton, number 2, will be ending at the end of the month, also on the website.

**I-TOWN ADMINISTRATOR ANNOUNCEMENTS:**

Administrator Wojcik requested Director Berlucahi explain the alert received about e-waste, televisions, monitors, etc. Most vendors have pulled out of the State. Director Berlucahi explained about 6 years ago the State legislature voted to stop computers, etc., from going into the landfill. Resource Recovery set up a program for 22 cities and towns where residents could drop off for free that type of waste at the 22 locations. Resource Recovery now only has the program in 5 places including Little Compton, have been directing resident to bring e-waste over there. Tiverton trucked 33 tons this past year, looking at vendors outside RI which are charging 20 cents per pound, approximately \$15k per year. T/A Wojcik wanted to make sure residents knew about having to take the e-waste to Little Compton free of charge.

**J-COUNCIL ANNOUNCEMENTS:**

Councilor P. Mello requested from the Administrator a list from the Assessor all those properties involved in DEM's open space and forestry program, has not received an update on whether junkyards current lot coverage has been reviewed and whether or not they have expanded beyond their original permit areas and heard from a number of constituents regarding Red Legacy; would like a clarification of any relationship between Red Legacy and Carpiionato, like to see any communication regarding this agreement, have been led to believe Red Legacy

contacted the Town independently. Councilor P. Mello sought clarification regarding recent newspaper articles about the developer building a new police department and the cost to pay. T/A Wojcik made clear if that land was sold something would have to be done, the developer could finance.

Councilor Perry wished everyone out there a Merry Christmas and Happy Hanukah and to the Council a Merry Christmas and a Happy New Year.

**K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:**

There were no Town Solicitor announcements.

**L-TOWN CLERK ITEMS AND ANNOUNCEMENTS**

**1. Update on Special Election January 5, 2016**

Town Clerk Mello placed in the Council packet and on Clerkbase a list of dates regarding the Special Election, State Senate District 11, Precinct 3304 only which is being held January 5, 2016 voting will take place here at the Town Hall from 7:00 a.m. to 8:00 p.m.

**2. Correction on Date for Public Hearing for Fees and Fines – January 25, 2016**

Town Clerk Mello noted a correction to a date previously listed on the agenda, had put January 18 as the public hearing for Fees and Fines. Corrected that to January 25, 2016 and added No Parking on Lepes Road to it.

**5. CLOSED EXECUTIVE SESSION:**

**1. Open Space Commission – 42-46-5(a) (5) – Acquisition of Real Property**

**2. Town Administrator – 42-46-5(a) (2) – Litigation - ACLU**

**4. Town Solicitor – 42-46-5(a) (2) – Litigation - McInnis**

Councilor Lambert moved to go into Closed Executive Session re: Open Space Commission pursuant to 42-46-5 (a) (5) – Acquisition of Real Property. On a roll call vote the motion, seconded by Councilor Chabot passed unanimously.

Councilor Lambert moved to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Litigation – ACLU. On a roll call vote the motion, seconded by Councilor Chabot passed unanimously.

Councilor Lambert moved to stay in Closed Executive Session pursuant to 42-46-5 (a) (2) – re: Litigation – McInnis. On a roll call vote the motion, seconded by Councilor Chabot passed unanimously.

Solicitor DeSisto requested a motion to seal the minutes for the first portion of Closed Executive Session.

Councilor Pelletier moved to Seal the Minutes of the first Closed Executive Session. The motion seconded by Councilor Chabot passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 11:00 p.m.

The Council returned to Open Session at approximately 11:50 p.m.

**OPEN SESSION:**

In Open Session President deMedeiros announced action was taken in Closed Executive Session to direct the Solicitor to proceed in accordance with discussion given in Executive Session relative to Open Space Acquisition.

Solicitor was also directed to proceed in accordance with discussion given in Executive Session relative to litigation McInnis. No action was taken on Litigation –ACLU.

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 11:55 p.m.

A True Copy.

ATTEST: \_\_\_\_\_  
Nancy L. Mello, Town Clerk

**TOWN OF TIVERTON, RHODE ISLAND**  
**343 HIGHLAND ROAD**

**RESOLUTION-ORDINANCE OF THE TOWN COUNCIL**

**WHEREAS**, it has been discovered during the laying of a main sewer line that the Town of Tiverton has substantial soil contamination in the Bay Street Area; and

**WHEREAS**, the Town of Tiverton is performing substantial testing and analysis for contaminants in the Bay Street Area; and

**WHEREAS**, the Town awaits the results of extensive testing in the area ordered by the Department of Environmental Management, and

**WHEREAS**, the discovery of chemicals and metals has put unusual and serious demands upon the Town for the protection of the public health and in planning for and conducting the orderly management of the situation, and

**WHEREAS**, the Town believes it is in the best interest of the public to appropriately regulate and manage any and all soil excavation activity that occurs within an area defined as that area bounded on the North by State Avenue, on the West by the Sakonnet River, on the South by Lepes Road and on the East by Church Street (extended to State Avenue and Lepes Road (see map following); and

**WHEREAS**, the Council hereby finds that there is evidence of a potential health risk within the defined portion of the said area which would be contrary to the best interests of the residents of that location and that this situation requires close monitoring by the Council; and

**WHEREAS**, a moratorium on soil excavation and land development projects of any sort and the issuance of building permits to develop, redevelop, restore, modernize and/or alter existing buildings and properties located within the defined portion of the area is necessary to prevent changes or alterations in the lay of the land until the Department of Environment Management, the Department of Health and the Town Council have had the opportunity to review plans for the clean up or restoration of such area that is in the best interests of the community; and

**WHEREAS**, an emergency moratorium was adopted as a Resolution-Ordinance of the Town Council on September 8, 2003 and will expire on March 8, 2004 unless otherwise extended by further acts of the Town Council,

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Tiverton as follows:

1. The Town Council of the Town of Tiverton hereby declares that a moratorium on the excavation or digging in any way of any soil in the above defined contaminated area or in any other area of the Town found to be contaminated is necessary to reasonably insure the maintenance of the public health, safety and welfare. An exception is granted to the Engineering firms conducting the testing. Other exceptions may be granted based on special circumstances.

2. The moratorium established in this resolution ordinance shall expire on March 8, 2004. However, the Town Council shall reserve unto itself the discretion to extend this moratorium if determined necessary prior to the expiration of the period established herein.

3. Subject to paragraph 4 below, the Tiverton Building Official is hereby instructed not to issue building permits for any new development, redevelopment, modernization or other activities within the above-defined portion of the contaminated area or within any discovered contaminated area within the period of this moratorium except for routine repairs, maintenance, or emergency repairs, or for subdivision or land developments which would not require soil excavation operations of any kind or size. The issuance of building permits for any building activity, which clearly does not require soil excavation or disturbance are not prohibited during this period. The Tiverton Town Council will not accept or entertain any applications for zoning text or map amendments during the period of this moratorium except as provided below in paragraph 4.

4. Relief from this moratorium may be granted by the Town Council by application to the Town Council to be considered at a regularly scheduled Town Council Meeting upon clear and convincing proof that the applicant meets the following criteria:

a) The Town's engineering consultant responsible for assisting the Town with all engineering matters relating to the specified area shall have reviewed all relevant information pertinent to such application including, without limitation, the sufficiency of the testing as contained within a site investigation work plan consistent with Rhode Island Department of Environmental Management remediation regulations and shall recommend approval of same. Test results provided by the engineering consultant(s) representing potentially responsible parties named by the Department of Environmental Management shall not be accepted as conclusive evidence that relief is justified.

b) The Town's building official shall have reviewed plans for any disturbance involving construction and shall recommend approval of each relief.

c) The applicant shall have provided the Town with evidence acceptable to the Town Administrator that adequate insurance and/or bonding is in place to protect any injured party in the event of a release of contaminants, and shall provide a written commitment holding the Town harmless from any such injury as may arise.

d) The applicant shall have provided documentation that all permits required for any proposed activity on the property shall have been obtained, including, as applicable, permits from the Department of Environmental Management.

e) Each applicant shall certify that he or she has read, understands and will comply with the requirements contained in the Town's Safety, Health and Emergency Response Plan.

5. This resolution ordinance shall take effect immediately upon passage.

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 9th day of February 2004.**

**FOR THE TOWN COUNCIL:**

**ATTEST: Hannibal F. Costa, Town Clerk**

**March 8, 2004 - Amended by the Town Council as follows:**

"Moratorium extended for six (6) months by Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of March 2004:**

**ATTEST:**

**Hannibal F. Costa, Town Clerk**

**April 12, 2004 - Amended by the Town Council as follows:**

"The moratorium area is defined as that area bounded on the North by State Avenue, on the West by the Sakonnet River, on the South by ~~Lepes Road~~ the so-called Simpson Wall and on the East by Church Street (extended to State Avenue and the so-called Simpson Wall."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of April 2004:**

**ATTEST: Hannibal F. Costa, Town Clerk**

**August 23, 2004 - Amended by the Town Council as follows:**

"Moratorium extended for three (3) months by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of August 2004:**

**ATTEST:**

**Hannibal F. Costa, Town Clerk**

**November 22, 2004 - Amended by the Town Council as follows:**

"Moratorium extended for six (6) months by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 22nd day of November 2004:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**May 23, 2005 - Amended by the Town Council as follows:**

"Moratorium extended to December 31, 2005 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of May 2005:**

**ATTEST: Nancy L. Mello, Town Clerk**

**December 12, 2005 - Amended by the Town Council as follows:**

"Moratorium extended to June 30, 2006 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of December 2005:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 26, 2006 - Amended by the Town Council as follows:**

1. "Moratorium extended to December 31, 2006 by the Town Council."
2. **SHERP** Policy as approved by the RIDEM, and the **HASP** Policy as prepared by the Town's consulting engineer, BETA Engineering, are hereby incorporated by reference into this Resolution, and the procedures and standards set forth therein shall apply within the above-defined contaminated area.
3. The director of Public Works shall notify by certified mail all public utilities operating within the moratorium area of each extension of this resolution and any amendments to the resolution.

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 26th day of June 2006:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 11, 2006 - Amended by the Town Council as follows:**

"Moratorium extended to June 30, 2007 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 11th day of December 2006:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 25, 2007 - Amended by the Town Council as follows:**

"Moratorium extended to December 31, 2007 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 25th day of June 2007:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 17, 2007 - Amended by the Town Council as follows:**

"Moratorium extended to June 30, 2008 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 17th day of December 2007:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 23, 2008 - Amended by the Town Council as follows:**

"Moratorium extended to December 31, 2008 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of June 2008:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 8, 2008 - Amended by the Town Council as follows:**

"Moratorium extended to June 30, 2009 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of December 2008:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 9, 2009 - Amended by the Town Council as follows:**

"Moratorium extended to December 31, 2009 by the Town Council."

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 8th day of June 2009:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 14, 2009 - Amended by the Town Council as follows:**

1. "Moratorium extended to June 30, 2010 by the Town Council."
2. Pursuant to the terms of the Settlement of Corvello vs. New England Gas Company, upon the issuance by RIDEM of either a Letter of Compliance (LOC) or No Further Action Letter (NOA) and any accompanying Environmental Land Use Restriction (ELUR), or a Non Jurisdiction Letter (NJL), and the recording of same in the Tiverton Land Evidence Records, and with the advice and consultation of the Town Solicitor and the Town's environmental engineering consultants; the Town Clerk is hereby authorized to record a release of this moratorium for said specific property.

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 14th day of December, 2009:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 28, 2010 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2010 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 28th day of June 2010:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 13, 2010 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2011 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 13th day of December 2010:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 27, 2011 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2011 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 27th day of June 2011:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 12, 2011 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2012 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 12th day of December 2011:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 25, 2012 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2012 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 25th day of June 2012:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 10, 2012 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2013 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 10th day of December 2012:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 10, 2013 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2013 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 10th day of June 2013:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 9, 2013 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2014 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 9th day of December 2013:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 23, 2014 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2014 by the Town Council.”

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 23rd day of June 2014:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**December 22, 2014 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2015 by the Town Council

*Exempting therefrom the specific properties listed on Exhibit A attached hereto.”*

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 22nd day of December 2014:**

**ATTEST:**

**Nancy L. Mello, Town Clerk**

**June 29, 2015 - Amended by the Town Council as follows:**

“Moratorium extended to December 31, 2015 by the Town Council

*Exempting therefrom the specific properties listed on Exhibit B attached hereto.”*

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 29th day of June 2015:**

**ATTEST: Nancy L. Mello, Town Clerk**

**December 14, 2015 - Amended by the Town Council as follows:**

“Moratorium extended to June 30, 2016 by the Town Council

*Exempting therefrom the specific properties listed on Exhibit B attached hereto.”*

**PASSED AND ADOPTED BY THE TOWN COUNCIL this 14th day of December 2015:**

**ATTEST: Nancy L. Mello, Town Clerk**

**EXHIBIT "A"**

**BAY STREET MORATORIUM - RIDEM LETTERS OF COMPLIANCE, ELUR'S AND COMPLETION REPORTS**

| Owner Name & Property Address               | Former Plat               | Current Plat     | Description   | Date Recorded |
|---|---------------------------|------------------|---|---------------|
| Ms. Gail K. Devlin                          | Plat 8-6, Block 5 Lot 8   | Plat 101 Lot 363 | RIDEM Letter of Compliance and Remedial Action Closure Report | 12/12/2014    |
| Mr. Lars Salomonsen                         |                           |                  | Book 1520 Page 135  |               |
| 61 Canonicus<br>(702 Tucker St, Fall River) |                           |                  |   |               |
| Dana Silvia                                 | Plat 8-6, Block 8 Lot 10A | Plat 101 Lot 419 | RIDEM Letter of Compliance and Remedial Action Closure Report | 12/11/2014    |
| 96 Bay Street                               |                           |                  | Book 1520 Page 79   |               |
| Bayview Holy Ghost Citizens Club            | Plat 8-6, Block 13 Lot 3  | Plat 101-319     | Environmental Land Usage Restriction                          | 12/11/2014    |
| 66 Bottom                                   |                           |                  | Book 1520 Page 67   |               |
| Dana Loree Silvia                           | Plat 8-6, Block 3 Lot 8   | Plat 101 Lot 334 | RIDEM Letter of Compliance and Remedial Action Closure Report | 11/17/2014    |
| 30 Judson                                   |                           |                  | Book 1517 Page 18   |               |
| Tina Harter/Wells Fargo                     | Plat 8-6, Block 15 Lot 12 | Plat 101 Lot 388 | RIDEM Letter of Compliance and Remedial Action Closure Report | 11/26/2014    |
| 52 Hilton Street                            |                           |                  | Book 1518 Page 176  |               |

|  |                             |                     |   |                          |
|--|-----------------------------|---------------------|---|--------------------------|
| Carolyn E. Collins                           | Plat 8-6, Block 8<br>Lot 1  | Plat 101 Lot 375    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 11/26/2014               |
| 61 Hilton Street                             |                             |                     | Book 1518 Page 174  |                          |
| Carolyn E. Collins                           | Plat 8-6, Block 8<br>Lot 1  | Plat 101 Lot 375    | Environmental Land Usage<br>Restriction                             | 11/17/2014               |
| 61 Hilton Street                             |                             |                     | Book 1517 Page 7  |                          |
| Michael Alvarnas                             | Plat 8-6, Block 15<br>Lot 4 | Plat 101 Lot 394    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 11/3/2014                |
| 31 Chace                                     |                             |                     | Book 1515 Page 144  |                          |
| <b>Owner Name &amp; Property<br/>Address</b> | <b>Former Plat</b>          | <b>Current Plat</b> | <b>Description</b>  | <b>Date<br/>Recorded</b> |
| Dennis J. Reis                               | Plat 8-6, block 3<br>Lot 6  | Plat 101 Lot 333    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 11/3/2014                |
| 20 Judson                                    |                             |                     | Book 1515 Page 142  |                          |
| Adin Demary                                  | Plat 8-6, block 3<br>Lot 14 | Plat 101 Lot 337    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 11/3/2014                |
| 72 Judson street                             |                             |                     | Book 1515 Page 140  |                          |
| (160 Campbell, Rumford,<br>RI)               |                             |                     |   |                          |
| Dennis J. Reis                               | Plat 8-6, Block 3<br>Lot 6  | Plat 101 Lot 333    | Environmental Land Usage<br>Restriction                             | 10/24/2014               |
| 20 Judson                                    |                             |                     | Book 1514 Page 165  |                          |
| Alex Marland-Kile                            | Plat 8-6, Block 8<br>Lot 2  | Plat 101 Lot 376    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 10/21/2014               |
| Katherine Martland-Kile                      |                             |                     | Book 1513 Page 204  |                          |
| 59 Hilton                                    |                             |                     |   |                          |
| Lois Scanlon                                 | Plat 8-6, Block 5<br>Lot 8B | Plat 101 Lot 362    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 10/21/2014               |
| 129 Bottom                                   |                             |                     | Book 1513 Page 206  |                          |
| Gregory Duarte                               | Plat 8-6, Block 8<br>Lot 7  | Plat 101 Lot 381    | RIDEM Letter of<br>Compliance and Remedial<br>Action Closure Report | 10/21/2014               |
| 19 Hilton                                    |                             |                     | Book 1513 Page 208  |                          |

|   |                              |                  |   |                  |
|---|------------------------------|------------------|---|------------------|
| Antonio Vieira                            | Plat 8-6, Block 5<br>Lot 9   | Plat 101 Lot 364 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/29/2014        |
| Heather Frymark                           |                              |                  | Book 1511 Page 10   |                  |
| 55 Canonicus                              |                              |                  |   |                  |
| Edward Klus                               | Plat 8-6, Block 5,<br>Lot 19 | Plat 101 Lot 359 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/12/2014        |
| Pamela Klus                               |                              |                  | Book 1509 Page 64   |                  |
| 36 Hooper Street                          |                              |                  |   |                  |
| Owner Name & Property<br>Address          | Former Plat                  | Current Plat     | Description   | Date<br>Recorded |
| Adin C. Demary                            | Plat 8-6, Block 3<br>Lot 14  | Plat 101 Lot 337 | Environmental Land Usage<br>Restriction                             | 9/12/2014        |
| 72 Judson                                 |                              |                  | Book 1509 Page 66   |                  |
| Timothy & Lynn Watters                    | Plat 8-6, Block 3<br>Lot 12  | Plat 101 Lot 336 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |
| 54 Judson                                 |                              |                  | Book 1508 Page 185  |                  |
| Michael and Eleanor<br>Monast             | Plat 8-6, Block 3<br>Lot 10  | Plat 101 Lot 335 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |
| 40 Judson                                 |                              |                  | Book 1508 Page 187  |                  |
| Alan Trecida                              | Plat 8-6, Block 3<br>Lot 9   | Plat 101 Lot 328 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |
| 35-37 Hooper                              |                              |                  | Book 1508 Page 189  |                  |
| Ducan Ingraham                            | Plat 8-6, Block 3<br>Lot 7   | Plat 101 Lot 329 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |
| 27-29 Hooper                              |                              |                  | Book 1508 Page 191  |                  |
| William G. Camara, KWC,<br>LLC            | Plat 8-6, Block 3<br>Lot 1D  | Plat 101 Lot 338 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |
| Vacant Lot, Judson Street                 |                              |                  | Book 1508 Page 193  |                  |
| Matthew Rodgers &<br>Joanna Sousa Rodgers | Plat 8-6, Block 3<br>Lot 1C  | Plat 101 Lot 324 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 9/5/2014         |

|   |                           |                  |   |           |
|---|---------------------------|------------------|---|-----------|
| 81 Hooper                               |                           |                  | Book 1508 Page 195  |           |
| Kathleen Smith & Nancy Copeland         | Plat 8-6, Block 3 Lot 1A  | Plat 101 Lot 290 | RIDEM Letter of Compliance and Remedial Action Closure Report | 9/5/2014  |
| 125 Hooper                              |                           |                  | Book 1508 Page 197  |           |
| Margret A Medeiros and Michael J Farias | Plat 8-7/Block22/lot 4    | Plat 101 Lot 356 | RIDEM Letter of Compliance and Remedial Action Closure Report | 1/20/2015 |
| 33 Bay Street                           |                           |                  | Book 1524 Page 241  |           |
| Carlos Amaral and Mary Lou Amaral       | Plat 8-7/Block22/lot 2    | Plat 101 Lot 354 | RIDEM Letter of Compliance and Remedial Action Closure Report | 2/19/2015 |
| 17 Foote Street                         |                           |                  | Book 1527 Page 69   |           |
| Michael Alvarnas                        | Plat 8-7/Block15/lot 3    | Plat 101 Lot 393 | RIDEM Letter of Compliance and Remedial Action Closure Report | 2/20/2015 |
| 39 Chace Ave                            |                           |                  | Book 1527 Page 71   |           |
| Fatima Amaral                           | Plat 8-7/Block15/lot 10   | Plat 101 Lot 386 | RIDEM Letter of Compliance and Remedial Action Closure Report | 2/20/2015 |
| 38 Hilton Street                        |                           |                  | Book 1527 Page 73   |           |
| LISA MENDOZA CUMMINGS                   | PLAT 8-6, BLOCK 5, LOT 18 | PLAT 101/LOT358  | RIDEM Letter of Compliance and Remedial Action Closure Report | 3/25/2015 |
| 28 HOOPER ST                            |                           |                  | BOOK 1530 PAGE 198  |           |
| SIMPSON FAMILY TRUST                    | PLAT 8-6,BLOCK24,LOT26    | PLAT101/LOT343   | RIDEM Letter of Compliance and Remedial Action Closure Report | 3/25/2015 |
| JANICE M CARROLL, TRUSTEE               |                           |                  | BOOK 1530 PAGE 200  |           |
| 0 RAILROAD STREET                       |                           |                  | Environmental Land Usage Restriction                          |           |
| MARION G BRADSHAW TRUST                 |                           |                  | book 1529 page 115  | 3/11/2015 |
| ROBERT S BRADSHAW TRUSTEE               |                           |                  |   |           |
| ESTATE OF NORMA B SIMPSON               |                           |                  |   |           |
| SHEILA WARING, CO-EXECUTOR              |                           |                  |   |           |
| JOANNE DELDEO, CO-                      |                           |                  |   |           |

|  |                               |                    |   |           |
|--|-------------------------------|--------------------|---|-----------|
| EXECUTOR                                   |                               |                    |   |           |
| 0 RAILROAD STREET                          |                               |                    |   |           |
| DAVID A TAVARES                            | PLAT8-6,<br>BLOCK14 LOT4 40   | PLAT101/LOT40<br>6 | Environmental Land Usage<br>Restriction                             | 3/26/2015 |
| 40 BOTTOM ST                               |                               |                    | BOOK 1530 PAGE300   |           |
|  |                               |                    | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report |           |
|  |                               |                    | BOOK 1532 PAGE 261  | 4/15/2015 |
| BETSEY D WARREN                            | PLAT8-<br>6,BLOCK5,LOT11<br>A | PLAT101/LOT36<br>7 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report |           |
| 17 CANONICUS STEET                         |                               |                    | BOOK 1530 PAGE 78   | 3/19/2015 |
| MATTHEW CORREIA                            | PLAT8-<br>6,BLOCK15,LOT11     | PLAT101/LOT38<br>7 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report |           |
| 44 HILTON STREET                           |                               |                    | BOOK 1529 PAGE136   | 3/11/2015 |
| BAY STEET<br>NEIGHBORHOOD LLC              | PLAT8-<br>6,BLOCK5,LOT10      | PLAT101/LOT36<br>5 | Remedial Action<br>Completion Report                                | 3/11/2015 |
| 51 CANONICUS STREET                        |                               |                    | also appendix F 2 books<br>total                                    |           |
| MARGARET A<br>MEDEIROS/MICHAEL J<br>FARIAS | PLAT8-<br>6,BLOCK22,LOT3      | PLAT101/LOT35<br>5 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report |           |
| 33 BAY STREET                              |                               |                    | BOOK 1529 PAGE 139  | 3/11/2015 |
| REBECCA MESSIER-<br>MACCARONE              | PLAT8-6 BLOCK 7<br>LOT 4      | PLAT<br>101/LOT309 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 4/6/2015  |
| JOSEPH MESSIER                             |                               |                    | BOOK 1531 PG 258  |           |
| ALYSSA BAILEY                              |                               |                    |   |           |
| ANDREA SANTO                               |                               |                    |   |           |
| STACIE FURTADO                             |                               |                    |   |           |
| BARRY BANNISTER                            |                               |                    |   |           |
| ESTATE OF LENORA<br>CAMBRA                 |                               |                    |   |           |
| 88 CANONICUS STREET                        |                               |                    |   |           |
| DIMAS PAVAO                                | PLAT8-6 Block8<br>lot10       | PLAT101/LOT38<br>3 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 4/8/2015  |
| LUCIA PAVAO                                |                               |                    | BOOK 1532, PAGE 72  |           |

|                                |                            |                     |   |           |
|--------------------------------|----------------------------|---------------------|---|-----------|
| 88 BAY STREET                  |                            |                     | Environmental Land Usage Restriction                                | 4/8/2015  |
|                                |                            |                     |   |           |
| MISSY QUAY                     | PLAT8-6<br>BLOCK15, LOT1   | PLAT101/LOT38<br>9  | Environmental Land Usage Restriction                                | 4/8/2015  |
| ESTATE OF DENNIS<br>DUARTE     |                            |                     | BOOK 1532, PG 80  |           |
| 60 HILTON ST                   |                            |                     |   |           |
|                                |                            |                     |   |           |
| SEAN BURNS                     | PLAT8-6, BLOCK8,<br>LOT11  | PLAT101/LOT36<br>9  | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 4/8/2015  |
| 185 HILTON STREET              |                            |                     |   |           |
|                                |                            |                     |   |           |
| STEPHEN BIGOS                  |                            |                     |   |           |
| 36 CANONICUS STREET            | PLAT 8-6 BLOCK 8<br>LOT 12 | PLAT 101 LOT<br>370 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 4/15/2015 |
|                                |                            |                     | BOOK 1532 PAGE 259  |           |
|                                |                            |                     |   |           |
| ESTATE OF DENNIS<br>DUARTE C/O |                            |                     |   |           |
| MISSY QUAY                     |                            |                     |   |           |
| 60 HILTON STREET               | PLAT 8-7 BLOCK<br>15 LOT 1 | PLAT 101 LOT<br>389 | Environmental Land Usage<br>Restriction                             | 5/27/2015 |
|                                |                            |                     | BOOK 1537 PAGE 140  |           |
|                                |                            |                     |   |           |
| ROBERT BORDEN,<br>NANCY BORDEN | PLAT 8-6 BLOCK<br>15 LOT 6 | PLAT 101 LOT<br>417 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report |           |
| 58 BAY STREET                  |                            |                     | BOOK 1534 PG 29   | 4/28/2015 |
|                                |                            |                     |   |           |
| ROBERT BORDEN NANCY<br>BORDEN  | PLAT 8-6 BLOCK<br>15 LOT 5 | PLAT 101 LOT<br>395 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report | 4/28/2015 |
| 15 CHACE AVE                   |                            |                     | book 1534 page 27   |           |
|                                |                            |                     |   |           |
| JOSEPH DUARTE ANA<br>DUARTE    | PLAT 8 LOT9                | PLAT 101 LOT<br>382 | Environmental Land Usage<br>Restriction                             | 5/21/2015 |
| 9 HILTON STREET                |                            |                     | BOOK 1536 PG 301  |           |
|                                |                            |                     |   |           |
| HOLY GHOST CITIZENS<br>CLUB    | PLAT 8-6<br>BLOCK13 LOT 3  | PLAT 101 LOT<br>391 | AMENDED Environmental<br>land usage restriction                     | 4/28/2015 |
| 66 BOTTOM STREET               |                            |                     | BOOK 1534 PAGE 1  |           |
|                                |                            |                     |   |           |
| TERCEIRO PAUL                  | PLAT 8-6 BLOC 21<br>LOT 4  | PLAT 101 LOT<br>347 | Environmental Land Usage<br>Restriction                             | 4/28/2015 |
| 33 BAY STREET                  |                            |                     |   |           |

|                         |                         |                  |   |           |
|-------------------------|-------------------------|------------------|---|-----------|
| BAYVIEW HOLY GHOST CLUB | PLAT 8-6BLOCK13LOT3     | PLAT 101 LOT 391 | RIDEM Letter of Compliance and Remedial Action Closure Report | 5/4/2015  |
| 66 BOTTOM STREET        |                         |                  | BOOK 1535 PAGE 17   |           |
| JOSE A ADORNO           |                         |                  |   |           |
| 15 BAY STREET           | PLAT 8-6 BLOCK 21 LOT3  | PLAT 101 LOT 348 | RIDEM Letter of Compliance and Remedial Action Closure Report | 7/16/2015 |
|                         |                         |                  | BOOK 1544 PG 224  |           |
| MARGARET A MEDEIROS     | PLAT 8-6 BLOCK 22 LOT6  | PLAT 101 LOT 344 | RIDEM Letter of Compliance and Remedial Action Closure Report | 7/16/2015 |
| 33 BAY STREET           |                         |                  | BOOK 1544 PG 226  |           |
| JOSE A ADORNO           | PLAT 8-6 BLOCK 21 LOT3  | PLAT 101 LOT 348 | Environmental Land Usage Restriction                          | 7/1/2015  |
| 15 BAY STREET           |                         |                  | BOOK,1542 PG 244  |           |
| MISSY QUAY EXECUTOR     | PLAT 8-7 BLOCK 15 LOT 1 | PLAT 101 LOT 389 | RIDEM Letter of Compliance and Remedial Action Closure Report | 6/17/2015 |
| ESTATE OF DENNIS DUARTE |                         |                  | BOOK 1540 PG 211  |           |
| 60 HILTON STREET        |                         |                  |   |           |
| ERNEST DIBENEDETTO      | PLAT 8-7 BLOCK 15 LOT2  | PLAT 101 LOT 392 | RIDEM Letter of Compliance and Remedial Action Closure Report | 6/17/2015 |
| 59 CHACE AVE            |                         |                  | BOOK 1540 PG 209  |           |
| MARGARET A MEDEIROS     | PLAT 8-7 BLOCK 22 LOT 6 | PLAT 101 LOT 344 | Environmental Land Usage Restriction                          | 6/10/2015 |
| AND MICHAEL J FARIAS    |                         |                  | BOOK 1539 PG 162  |           |
| 0 BAY STREET            |                         |                  |   |           |
| JOSEPH DUARTE           | PLAT 8-6 BLOCK 8 LOT 9  | PLAT 101 LOT 382 | RIDEM Letter of Compliance and Remedial Action Closure Report | 6/4/2015  |
| ANA DUARTE              |                         |                  | BOOK 1538 PG 253  |           |
| 9 HILTON STREET         |                         |                  |   |           |
| HERCULES LOPES          | PLAT 8-6 BLOCK 22 LOT 5 | PLAT 101 LOT 345 | RIDEM Letter of Compliance and Remedial Action Closure Report | 9/17/2015 |

|                              |                            |                     |   |            |
|------------------------------|----------------------------|---------------------|---|------------|
| 0 BAY STREET                 |                            |                     | BOOK 1552 PG 154  |            |
| PAUL TERCEIRO                | PLAT 8-7<br>BLOCK21 LOT4   | PLAT 101 LOT<br>347 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report 2 PARTS | 8/18/2015  |
| 33 BAY STREET                |                            |                     | BOOK 1548 PG 201  |            |
| MARY FARIA                   | PLAT 8-6 BLOCK 8<br>LOT 4  | PLAT 101 LOT<br>378 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report         | 8/18/2015  |
| LOUIS BORGES                 |                            |                     | BOOK 1548 PG 225  |            |
| 43 HILTON STREET             |                            |                     |   |            |
| COLLEEN FERNANDES            | PLAT 8-6 BLOCK 8<br>LOT 5  | PLAT 101 LOT<br>379 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report         | 9/18/2015  |
| 39 HILTON ST                 |                            |                     | BOOK 1548 PG 227  |            |
| FRANCIS R CORREIA            | PLAT 8-7 BLOCK<br>17 LOT 5 | PLAT 101 LOT<br>413 | Environmental Land Usage<br>Restriction                                     |            |
| ISABEL M CORREIA             |                            |                     | BOOK 1551 PG 184  | 9/11/2015  |
| 8 BAY STREET                 |                            |                     |   |            |
| JOHN B SILVIA JR             | PLAT 16 LOT 9              | PLAT 101 LOT<br>398 | Environmental Land Usage<br>Restriction                                     | 8/26/2015  |
| HOLLY A MCAULIFFE-<br>SILVIA | NO BLOCK GIVEN             |                     | BOOK 1549 PG 185  |            |
| 42 CHACE AVE                 |                            |                     |   |            |
| FRANCIS R CORREIA            | PLAT 8-6 BLOCK<br>17 LOT 5 | PLAT 101 LOT<br>413 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report         | 10/21/2015 |
| ISABEL M CORREIA             |                            |                     |   |            |
| 8 BAY STREET                 |                            |                     |   |            |
| JOHN SILVIA JR               | PLAT 8-6 BLOCK<br>16 LOT 9 | PLAT 101 LOT<br>398 | RIDEM Letter of Compliance<br>and Remedial Action<br>Closure Report         | 10/20/2015 |
| HOLLY MCAULIFFE-<br>SILVIA   |                            |                     |   |            |
| 42 CHACE AVE                 |                            |                     |   |            |