

**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 25th day of January 2016 A.D. at 7:00 p.m.

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

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

Town Administrator, Matthew Wojcik and Town Solicitor Anthony DeSisto were also present.

Council Resolution in Support of Dorian Murray - #DSTRONG

Council President deMedeiros read the Resolution in Support of Dorian Murray. In addition to the Resolution the banner, hanging at the front of the Council table, will also be sent to Dorian.

Councilor Pelletier moved to Approve the Resolution in Support of Dorian Murray. The motion, seconded by Councilor Perry passed unanimously.

Adopted Resolution attached at end of minutes.

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 CA4; President deMedeiros explained the Annual Report was for distribution, the public presentation is on February 8th. Councilor Chabot requested items CA3a& b, correspondence from Renee Jones be removed and Councilor P. Mello requested removal of item CA6, regarding an Amendment to Town Ordinances relative to the Tax Exemption program.

Councilor Pelletier moved to Accept the remainder of the Consent Agenda. Seconded by Councilor Perry, the motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

a. None Available

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

- a. Cemetery Commission
- b. Open Space & Land Preservation Commission
- c. Tiverton Prevention Coalition December News Letter
- d. Zoning Board of Review (2)
- e. Annual Report of Arts Council

A-3-Correspondence – Receive and File:

- c. Correspondence Regarding Large Retail Development in Town
- d. Kate Michaud Regarding Resignation as Planning Department Clerk and Administrative Officer

A-4-Receipt and Distribution of Annual Financial Report Year Ending June 30, 2015 for Public Presentation Feb. 8, 2016

A-5-Town Treasurer – December 2015 Budget and Revenue Reports

A-7-Planner, Marc Rousseau – Distribution of Energy Audits as Part of Application to Rhode Island Infrastructure Bank for Town Hall, Police Department and Street Lights. Presentation on February 8, 2016

BUSINESS BROUGHT BEFORE THE COUNCIL

Correspondence – Receive and File

A-3-a.Renee Jones Regarding Personnel Departure

b. Renee Jones Regarding Advertising for a Town Planner

Councilor Chabot, citing the correspondence from Renee Jones extended appreciation to Ms. Jones for showing an opinion on the departure of Kate Michaud who was leaving January 28, appreciated Ms. Michaud's efforts. Councilor Chabot also thanked Ms. Jones for expressing an opinion regarding a town planner on hiring and advertising. Councilor Lambert commented on the letters, agreed about losing Ms. Michaud, recalled recommending nominating Ms. Michaud for Town Planner Ms. Michaud has accepted a full time job in Warren. Councilor Lambert cited the second letter in which Ms. Jones recommend advertising for a Planner, did remind the Town does have a Planner. President deMedeiros noted last year the Council did nominate Ms. Michaud for Town Planner had a lot of controversy and the Council decided to readvertise. At that point Ms. Michaud did not apply; the Town will feel the loss, wish her success. Ms. Jones suggested the Town might want to consider hiring staff with conditions. Councilor Perry recalled the previous Building Official was hired conditionally, did not pass certification test. Councilor Chabot commented on the right to pull off items, thanked Ms. Jones for expressing an opinion. Councilor Lambert agreed with Councilor Chabot about commenting on agenda items, President deMedeiros noted the Council does respect other opinions.

Councilor Chabot moved to Accept items A3a&b, seconded by Councilor Pelletier, passed unanimously.

A-6-Town Administrator – Request for Amendment to Town Ordinances to Repeal or Amendment Economic Development Tax Exemption Program

Councilor P. Mello requested more time to review this agenda item and put on a future agenda. Councilor Chabot noted it was not clear from the agenda as to what was to happen with this item, whether there was going to be a meeting, schedule for a hearing or for referral. President deMedeiros explained, for future agendas items will be on for distribution, will be referred or scheduled for a later date. Town Administrator Wojcik explained this was under Correspondence, if it required action it would be under Town Administrator Items.

Councilor Perry moved to Accept item CA6, Town Administrator – Request for Amendment to Town Ordinances to Repeal or Amendment Economic Development Tax Exemption Program. The motion, seconded by Councilor Chabot passed unanimously.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

PUBLIC PRESENTATIONS

1. Presentation by Legacy Development

President deMedeiros explained the Town Council decided a few months ago that all offers for the Industrial Park (the Park) would be in the public. The Council as a group decided to vet this in public, it is a preliminary hearing, it is not a done deal, it is policy to try as much as possible to vet in public. Bart Sides, from Legacy Development gave some opening remarks prior to the presentation. Mr. Sides noted it was up to the elected officials of the Town to decide if this project is right for the town. Some residents are opposed, is a right for people to debate, intend to be available to answer any questions. Mr. Sides refuted some information seen on the Don'tMallTiverton.org website, explained the new name is Legacy Development, transitioned from Red to Red Legacy to Legacy Development. Refuted the statement Red Legacy stopped making payments on debt, not

factual. Morgan Stanley Real Estate Investments owned the property Legends Kansas City, Legacy only had a 5% interest. Refuted that Dan Lowe, owner of Red Legacy created limited liability corporations for contributions to a mayor who ended up in federal prison. Mr. Lowe is a member of over 100 LLC's did contribute to the Mayor's campaign. The contribution was thoroughly investigated by the FBI along with all the others who contributed. Do contribute \$7million dollars for philanthropy. Legacy is not a big box developer. Will address any concerns that come to light. Appreciate this area as a special place, not looking to develop a project, looking to make a historic development charming, typically not big box more of an outlet centered category. This would be in the Park; the Legends concept can be a good neighbor.

Dave Claflin, VP conducted the next portion of the presentation. Mr. Claflin explained Red was a commercial real estate developer out of Kansas City, Missouri. A medium sized developer with over 50 properties in 14 states. Part of the development philosophy includes creating a lifestyle center. What is being proposed here is called the Legends, a unique mix of retail and restaurants with creative artistic iconography. Numerous slides were shown of various properties that Legacy had developed. Two short video presentations shown were related to public/private partnerships. All properties get involved with giving back to the community and with various charities. Mr. Sides discussed the next portion of the slide show which had preliminary site plans. Tried to preserve wetlands areas, drew in a roundabout near the restaurant cluster. The development would have small box retail, a hotel and other offerings in 388k square feet. There are two points for vehicular access, has been talk about bringing in a road. Several items under consideration include a bandstand/stage for seasonal entertainment, drop-off parking areas and a town square. Signage moments could possibly include a covered bridge. Several more slides were shown with design considerations from other Legacy developments.

Chris Duhamel, DiPrete Engineering was hired in 2010 as part of the Newport County Chamber of Commerce grant to help develop the Park. It was determined if pre-permitting was done it would accelerate the chances of selling the Park. In RI the main document is the Comprehensive Community Plan (Comp Plan), a blueprint for growth, public input, sets broad strokes with goals and policies. The land use has to comply with the Comp Plan. It is zoned Industrial with a small part zoned as Highway Commercial, has high intensity use for sewer, water and power. There is language in the Comp Plan to include retail, mixed use. The Council has authority to sell the land and to restrict developers for what is appropriate for the Town. The slide of the Zoning Map shows the Park , 172 acres, outlined in red, the blue part is zoned Industrial. The zoning conforms to the Comp Plan, also has an overlay district, Section 19 that was recently enacted, part of the mixed use that allows a hotel, restaurant and retail. The site can be accessed by Route 24 from Industrial Way. Wetlands are protected; has been identified in the Park. Planning and anticipating a new law DEM has to strengthen areas around wetlands. The site grading is typically rock exposed ledge, has a 30 foot slope. Access and parking would require offsite improvements, have to work with DOT and the Town; a roundabout is preferred for traffic mitigation. May have to widen Industrial Way; has two ways of egress. Parking is calculated for 1,500 units; utilizing the zoning code it's 2,400 maximum. Have to follow DEM Stormwater guidelines, will hold water on site will have an expensive drainage system. There is an existing sewer pump station on site that can handle the load, 75k per day vs the allocation of 2million for the Town. Mr. Duhamel opined, with the associated costs having to enter into a public/private partnership is best. Legends are estimated to be a 5-7 year build out.

John Hansen, Integra Realty Resources, financial consultant for Legacy discussed the public/private partnership typically required for a development of this size. Various tools to help with the financing include the RI Tax Increment Financing Act of 2015 which directs state sales tax revenues generated by the project to support the financing. Local Tax Increment Financing (TIF) allows the use of local real and personal property taxes to be used as a financing stream is generated about a certain base assessed value. Mr. Hansen showed several slides with various Legacy developments and the financing for those projects. Mr. Hansen was not yet ready to share the details of financing of the project. According to the slide show presentation the benefits to Tiverton would include diversifying the tax base, creation of new jobs, attracting new businesses, improving amenities and stimulate real estate development. Mr. Sides concluded the next steps would be to gauge the interest of the Council, present the plan to the Economic Development Committee and host open house sessions with residents.

Council President deMedeiros opened the floor for Council questions. Councilor P. Mello requested the Town Planner point out the locations of the other items discussed for the Park; the Long Sports Complex and Bluesphere Biogas Plant. This proposed development was larger than the one previously discussed. Mr. Rousseau explained the Bluesphere plant would move to the southern off Route 24 and the sports complex would be in the north part of the future phase area. Bluesphere has a letter of intent, the sports complex has agreement. Councilor P. Mello cited the Comparison Table slide and noted Legacy proposing the infrastructure improvements be public/private and the Stormwater maintenance is private. President deMedeiros did not remember a hotel being discussed the first time; not sure of the feasibility if the casino goes forward. Councilor Lambert was assured by Mr. Rousseau that Legacy knew of the other proposals has not made a firm determination of what will go where. Councilor Lambert noted this was very preliminary, was somewhat disappointed with the presentation, tried to envision a New England style village town center. Saw a lot of conceptual photos, not sure Legacy understands what the Town is looking for. Shown structures not necessarily done by Legacy. Mr. Clafin agreed Legacy has never done a project in New England; what was done in Kansas might not be appropriate here. Councilor Lambert questioned the financing; wanted to know how much the Town gets, looking for the bottom line.

Mr. Rousseau explained as far as the State TIF financing, will be having a meeting with Commerce RI, the question that needs to be answered is retail use in the Park fall under this financing. Needs to be looked at right away; if the TIF can be used it would need a redevelopment plan and that has certain criteria. Mr. Rousseau was looking into it, could be determined to be a blighted area because of the ledge. Have to look at the public and private incentives, if the numbers don't work won't be right for the Town. Administrator Wojcik explained was here to represent and provide information when someone offers to buy assets of the Town. Need to see the details if the Council wants to proceed beyond the standstill agreement. T/A Wojcik had a number of questions; was in multi-faceted conversations with multiple possible outcomes for the Park. This presentation is only one, Emera and other energy partners have also put numbers on the table worth looking at; has a number of conditions before a tax treaty with the Town could be considered. Basic analysis is a net present value analysis for all the projects.

Councilor Sousa was concerned about the water line, foresaw problems with the 12 inch line; suggested capturing rain water and using gray water. The Councilor was also concerned about the entrance and the proposed roundabout. Councilor Sousa noted he would not vote for anything that puts the taxpayers on the hook; the Town needs tax revenue. Mr. Hansen appreciated the feedback and the candor; explained revenue bonds were a very important part proved to be tax exempts financing. Bond holders represent new investments for the State TIF; Tiverton could tap into State resources for potential outside sources. Councilor Pelletier thanked everyone for coming noticed some creep in the area, now up to 525k with room to grow. Mr. Sides opined, did not change much from the 388k, the hotel was estimated at 58k in the out parcel. Councilor Pelletier questioned development costs. Mr. Sides explained it would depend on what will ultimately be built, typically get the site under contract first. Estimated the development cost to be roughly \$150 million, possibly more. Councilor Pelletier questioned what plan, suggestions or arrangements or potential solutions were had for moving the Police and DPW. Mr. Sides suggested they could be moved to some other area of the development, can't pay for that on top of the land unless there is a build to suit or lease arrangement. Councilor Pelletier noted initially thought this may be considered as a right of use with very little relief; not the case now. Questioned what relief zoning or dimensional, Comp Plan or restrictive covenants were involved. Mr. Rousseau explained the zoning is Highway Commercial, Industrial and is part of the planned development overlay district where a hotel use is allowed. Legacy would need to get a definitive zoning opinion regarding the retail, cannot be larger than 40k square feet, may need a special use permit. Asked them for a site plan, a retail complex is allowed in an industrial zone but not a strict shopping center. It is complicated.

Solicitor DeSisto opined this would almost certainly need zoning relief; have covenants for the Park that was never recorded in land evidence. Under the merger doctrine restrictive covenants would need to be recorded at the time the Park is conveyed to a separate entity. Solicitor DeSisto clarified anything in the entirety or a portion conveyed would have to be recorded. Councilor Pelletier discussed the public financing mechanism and the various components which could be State issue bonds, some sort of State level debt financing or town financing. Mr. Hansen explained two different types of financing with the creation of revenue streams and State tax relief. The revenue stream would pay costs today with future streams, can be done with public bonds or debt instrument

of some type. There would be private capital, public capital (future revenue streams) and capital from other parties. Public collateral gets its revenue from the revenue streams; each is generally separated from the others. Councilor Pelletier pointed out the private investors could foreclose and liquidate; the public would not be in that position. Mr. Hansen explained the private investor takes full risk; there are risk mitigation measures and a number of protective measures. Don't have a specific proposal in place to discuss numbers. The ratio of public to private partnership varies greatly depending on the project. Councilor Chabot was concerned about an alternate access route. Chief Lloyd noted the proposed plan was circular, could get around in this concept, and would like to see more. Councilor P. Mello questioned the capital lease involving the Police Department. Mr. Sides explained build to suit would involve leasing the land back to the Town, not sure about that.

Administrator Wojcik explained it would cost \$6.5million for the Police Station and \$1.7-1.9million for the DPW. This is the first conversation about moving those buildings. The economics don't work if the Town does not own the land; those buildings are located strategically. Councilor Sousa opined the sale of the Park would cover the costs of the buildings; also have to consider the compost facility going there. Administrator Wojcik noted the cost must include the sale price of the land and the cost to rebuild. Councilor P. Mello wanted to know how they heard of Tiverton and did Legacy have a relationship with Carpionato? Mr. Sides explained Dan Lowe approached him, would like to do more of the Legacy projects. Mr. Sides has a national history or projects and a good network of brokers. Started looking at opportunities across the country, as far as Carpionato, Mr. Side's thinks highly of them. Have never had a discussion with them, did talk to the brokers in Providence. Went to the public hearing in July, thought they did a wonderful job. Have no affiliation with Carpionato.

Administrator Wojcik explained creating a redevelopment plan is a lengthy and detailed process involving the Planning Board and the Town Council, zoning gets squishy as the Town Council can change borders within that zoning. Solicitor DeSisto agreed with the Administrator. T/A Wojcik recalled that ledge was included in the definition of blight, did not believe the Town could negotiate a tax treaty below the pro rata share, can't negotiate to zero; the pro rata share of the Town's indebtedness would grow. Need to do more research on the State TIF, believe Legacy would have to comply with the State prevailing wage in all phases. Mr. Hansen noted Legacy would comply with all State requirements.

Barbara Martin, Neck Road, who had signed up at the Open Forum asked what the expiration date of the Standstill agreement was. T/A Wojcik explained March 7, the agreement was written to give Legacy just enough site control, Council has made no commitments, nor does that agreement prevent the Town from negotiating with other entities, this agreement was limited only to the retail sector. T/A Wojcik updated, financing has been secured by the soccer complex, anticipating closing on this at some point in the near future. Bluesphere is a party to an open end non-binding letter of intent for the Town. That was for the purpose of Bluesphere of going to National Grid for the non-traditional energy program. Emera is not party to any agreement with the Town except for the existing payment in lieu of taxes agreement. If this goes forward then that will be adding to the value of the Park, up for renegotiation. Could accommodate both the expansion of Emera and Bluesphere in the Park. President deMedeiros noted the conversation was going off topic; this is just the Legacy presentation. Louise Durfee wished to speak; President deMedeiros explained this was not a public hearing just a public presentation. President deMedeiros explained the Council will be coming back to this item in the future; Council does not have all the answers to questions asked. Believed the public should know right at the beginning. Not at any point of making any major decisions. This presentation is not complete, still have to talk finances

At this time, 10:00 pm, the Council took a ten minute break.

PUBLIC HEARINGS:

2. Town Administrator – Approval of Amendments to Fees and Fines Resolution Fire Dept Rescue Fees

Administrator Wojcik explained Chief Lloyd had to leave the meeting, prefer him to be here to explain the fee request. Councilor Perry believed all fees were going to be discussed. President deMedeiros explained that would be a whole separate meeting, Town Clerk Nancy Mello will email Council for available dates.

Councilor Lambert moved to continue the Public Hearing on the Amendments to Fees and Fines Resolution Fire Department Rescue Fees. The motion was seconded by Councilor Perry, discussion followed. Town Clerk Mello explained all the other fees would have to be advertised, this public hearing needs to be continued to a date certain and will only be for Fire Department fees. President deMedeiros suggested February 29 for all the other fees. Town Clerk Mello needs 10 days for advertising that public hearing. The motion was amended to be continued to the next meeting on February 8, 2016. The motion passed unanimously.

3. Public Hearing – Demolition of Unsafe Buildings

a. Bruce Lewis & Cheryl Rioux, 97 Hayden Avenue - Plat 118, Lot 272

Solicitor DeSisto explained under Chapter 18-82 of the Town Code unsafe buildings that create a public hazard fall under the Director of Public Works, Stephen Berluca. The Public Works Director and Neil Hall, Building/Zoning Official have inspected the buildings. Director Berluca reported he was there 3 weeks ago; the property was all boarded up. The house has major structural damage down to the base, the floor joists and the roof joints. Director Berluca opined it was structurally deficient; if not disassembled then a fence should be placed around the structure. Councilor Sousa questioned if there was photographic evidence. Director Berluca did take pictures 3 weeks ago. Solicitor DeSisto explained under the ordinance, just need testimonial evidence from Director Berluca. Neil Hall, Building Official, visited the site several times including today witnessed structural damage in the charred beams; the garage is starting to cave in and is not secured. Police Chief Thomas Blakey called the structure a liability, had numerous break-ins, will not let police officers go into the unsafe structure. Administrator Wojcik requested, for the record the incident reports in the Town file be entered. This building had no heat or electricity, was a diesel fire generator, and had no further communication with the owners or anyone else, called blight by the neighbors. Solicitor DeSisto repeated photographic evidence was not necessary based upon the testimony of the officials and what they observed. The credibility of the police officer statement is that the building should be demolished, administratively the only other option left for the Town based on liability. The purpose is to protect the public safety. T/A Wojcik noted once the Council authorizes, the Town has to wait 30 days. Director Berluca if a registered professional engineer.

President deMedeiros opened the public hearing for comments. Mark Vicuna owns 98 Hayden Avenue, was assured the building would be taken down. Having an issue with trying to sell and rent 98 Hayden, complained the rear boards were ripped down. T/A Wojcik noted the building had been boarded up several times. President deMedeiros called for comment three more times, hearing none closed this part of the public hearing.

Councilor Perry moved, seconded by Councilor P. Mello to Demolish the use of Unsafe Building at 97 Hayden Avenue. Councilor Sousa requested consideration for photographic evidence; President deMedeiros noted Director Berluca can provide. The motion passed unanimously.

b. Dennis & Donna Silvia, 1588 Bulgarmarsh Road – Plat 215, Lot113

Director Berluca visited this building several weeks ago and this afternoon, found torn partitions, interior damage. The building was boarded up, the back door had been peeled off, and windows had been broken. This building had severe fire damage to the roof rafters and was structurally deficient. Director Berluca had taken photos through all the openings. Building Official Hall had also been out there several times, echoed Director Berluca as to the unsafe structure, recommend it be torn down. Chief Blakey emphasized the liability and the frequent trespassers. Fred Mason, Attorney for Union Mutual Fire Insurance has been working with the mortgagee to obtain the rights to demolish the building under the insurance policy. The insurer covers the cost; expect to take a couple of weeks from this point before the building can be demolished.

President deMedeiros opened this portion for public comment. Donna Silvia, Fall River, owner of the property did not know she could tear the building down. In November Ms. Silvia was told she could not do anything, had to hire a lawyer. Did not agree with Director Berluca about the windows, all had been boarded up. Ms. Silvia did have some equipment in the yard, holds additional insurance. President deMedeiros called for additional comment, hearing none closed the public hearing. Solicitor DeSisto suggested based upon the representation to continue for 2 weeks to allow the owner to make the necessary arrangement and for status.

Councilor Perry moved to continue to February 8 for status update. The motion, seconded by Councilor Pelletier passed unanimously.

Councilor Sousa questioned the plan to demolish 97 Hayden Avenue. Director Berlucchi explained the DPW can take down with a bulldozer, recycle the materials and fill the foundation. Will have professionals deal with the oil tanks; have to find out about the septic. Councilor Chabot questioned if the Town should secure the building at 1588 Bulgarmarsh. T/A Wojcik noted the Town could order it; President deMedeiros explained the Building Official will deal with it.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

There were no items for the Board of Licensing.

D-APPOINTMENTS & RESIGNATIONS:

Appointments

1. Town Representative to CRMC – Bruce Cox, Harbor Commission Chair

President deMedeiros noted a letter from Coastal Resources Management Council (CRMC) was attached regarding the Town Representative.

Councilor Pelletier moved to Reappoint Bruce Cox, Harbor Commission Chair as Town Representative to CRMC. The motion, seconded by Councilor Perry passed on a vote of 6-1, Councilor Sousa opposed.

2. Library Board of Trustees – New Request - Kathy Clarendon, 171 Preservation Way – Completion of Three (3) Year Term to 10/15/2018

Town Clerk Mello explained Mrs. Clarendon contacted the Clerk, would be difficult to make a Council meeting. Received a recommendation from the Library Trustees.

Councilor Pelletier moved to Appoint Kathy Clarendon, 171 Preservation Way for the Completion of a Three (3) Year Term to 10/15/2018. The motion was seconded by Councilor Perry. Councilor Chabot questioned if the Council could appoint at this meeting. Town Clerk Mello did not receive any other requests, had been advertised. The motion passed unanimously.

3. Tax Assessment Board of Review – Reappointment Request – Judith A. Jones, 1749 Main Road Completion of Three (3) Year Term to 10/15/2018

Councilor Perry moved to Reappoint Judith A. Jones, 1749 Main Road for the Completion of Three (3) Year Term to 10/15/2018. The motion, seconded by Councilor Pelletier, passed unanimously.

4. Town Administrator – Annual Reappointment of Harbor Master - Tyler Loomis, 89 John Duggan

Mr. Loomis had received recommendations for Reappointment from the Harbor Commission Chair and the Town Administrator.

Councilor Perry moved to Reappoint Tyler Loomis, 89 John Duggan Road as Harbor Master. The motion, seconded by Councilor P. Mello passed unanimously.

E-UNFINISHED BUSINESS:

1. Town Clerk – Distribution of Responses to Various Information Requested at Prior Council Meetings

a. Chief Blakey – Response to Noise Complaint at Shooting Range on Main Road

Chief Blakey had forwarded a report to the Council; the property is zoned general and highway commercial and is in compliance with the ordinance. Randy Lebeau, owner of the Shooting Range, had signed up for the Open Forum to speak on this item. Mr. Lebeau is planning to put a fence in, is just waiting for the ground to thaw. The exhaust fans run between 10am and 9pm at the most. Councilor Sousa commented Mr. Lebeau went through the design review process, had wanted a flat roof to put the fans on, was told he had to have a pitched roof. Solicitor

DeSisto reminded Councilor Sousa this discussion was going beyond the agenda. President deMedeiros noted the Chief was asked to provide a report based on the noise complaints the Council had received. Mr. Lebeau vowed to do whatever it takes, wants to be a good neighbor. Councilor Sousa cited a case in Newport and noise involving motorcycles. Solicitor DeSisto explained that did not apply here as this was noise from inside a building, the Tiverton noise ordinance is acceptable.

b. Town Administrator – Building Improvement List

Administrator Wojcik was requested to provide an update, Councilor Perry wanted to show that tasks are being completed; of the over 30 projects, 18 have been completed. The Senior Center will be painted next. Councilor Perry requested the Council be kept updated.

F-FINANCIAL BUSINESS:

1. Town Administrator - Discussion of Municipal 2016/17 Budget

2. Councilor deMedeiros – Scheduling of Council Budget Workshops/Meetings

President deMedeiros explained the discussion of the Municipal Budget and the scheduling of meetings dovetail the B/C meetings. Goal was to have the Budget Committee schedule follow the Council's schedule of meetings with dept heads. Suggested meetings every Saturday in February from 9am to noon. Meeting with the T/A, will get the schedule to the Clerk as soon as possible. Councilor Sousa suggested setting a limit, last year was 2% of the levy, was looking for a copy of the budget. T/A Wojcik stated the budget books with backup were available in his office. Councilor Perry preferred to go over the budget line by line. Town Clerk Mello affirmed the meetings will be posted as Special Meetings since the Council will be voting on items. T/A Wojcik noted overall the budget was flat; expenses had a 1.7% increase.

G-NEW BUSINESS:

1. Councilor Chabot – Approval of Resolution Opposing Proposed Truck Toll Gantries

Councilor Chabot explained this proposed resolution is to oppose Truck Toll Gantries, has been in the news a lot lately. Governor Raimondo revealed a plan for proposed truck tolls. Asking the Council to approve the Resolution and make it available to the State delegation, the League of Cities and Towns and to other municipalities.

Councilor Perry moved to Approve the Resolution Opposing Proposed Truck Toll Gantries. The motion seconded by Councilor Sousa, passed on a vote of 6-1, Councilor Pelletier opposed.

Adopted Resolution attached at end of minutes.

2. DPW Director Berlucchi – Request Permission to Advertise Full Time Truck Driver/Laborer Position

Director Berlucchi explained one long time employee recently left who was a Heavy Equipment Operator. The replacement will be a Truck Driver/Laborer which is a step below. Director Berlucchi included a summary of neighboring towns relative to public works personnel. Other towns have three times the workforce, Tiverton has 10.5 laborers; 2 for the landfill, 1.5 are mechanics and lose one man for vacations throughout the year. One cleans catch basins and one mows, leaving 3 to repair the roads. Requested 2 full time positions in the budget, was not supported. In the next budget need to look more closely at prioritizing the increasing work load. For the last snow storm had to hire 2 private citizens to help plow, this position pays around \$41k per year.

Councilor Pelletier moved to Authorize for Advertising a Full Time Truck Driver/Laborer Position. The motion was seconded by Councilor Chabot. Councilor Sousa requested the Director contact the VA as well. The motion passed unanimously.

3. Town Solicitor – Proposed Marijuana Ordinance

Solicitor DeSisto requested this item be continued, no motion was taken.

H-BIDS AND REQUESTS FOR PROPOSALS:

There were no items for this topic.

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

President deMedeiros explained the three people who signed up, Randy Lebeau, Barbara Martin and Donna Silvia had talked during items discussed earlier in the agenda.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

Administrator Wojcik reminded the Council the League of Cities and Towns annual meeting is on January 28, the topics on their agenda, urged everyone to attend. Commented on the purple banner hanging on the fence outside Town Hall, raises awareness for those who don't abuse substances. T/A Wojcik will be away for several days, work product will be distributed by the Town Clerk. T/A Wojcik, relative to the Stone Bridge project, filed a records request regarding the funds, when they were spent and the balances. The requests went to DOT and the General Treasurer.

J-COUNCIL ANNOUNCEMENTS:

Councilor Sousa noted the Senior Center window project will be completed on time within the budget, insulation was put in where there wasn't any and the trim is being painted. President deMedeiros noted at the last meeting Representative Edwards asked for a meeting regarding the quarry issue. Along with Councilors P. Mello and Lambert, the Administrator, the Solicitor, one of the neighbors and the Council President met with the owner for a productive meeting. The proposed legislation is still going forward, did talk about the fence.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Legislation Regarding Casino

a.Senate Bill 2016- S -2081

b.House Bill 2016- H -7228

Solicitor DeSisto explained these bills have been submitted, by Senators Goodwin, Felag, Pearson and Pagliarini in the Senate and in the House by Representative DeSimone. They contain some provisions already discussed; the license will be transferred from Newport to Tiverton Twin River if the vote is successful locally and state wide. The Town would see 1% of the revenues from table games and 1.45% from the video lotter terminals which mirror Lincoln. The Town would receive \$3million dollars minimum if the revenue falls then the State makes up the difference in the first year. This needs to be clarified under the master agreement the State would have with the Town. One feature of this legislation is Tiverton would have to be a signatory on this master agreement and the project cannot start without the turnaround. The casino sub-committee along with Twin River representatives should start meeting to go over the legislation line by line. The legislation first goes to the finance committee, then the floor of each chamber, same for both houses. The referendum question would then go to the Board of Canvassers and then the Board of Elections. Representative Edwards had contacted the Council President, explained this was just the beginning of the process. The consensus was to have a sub-committee meeting on Tuesday, February 9 at the Town Hall at 10 am. Solicitor DeSisto noted they were matching bills.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

There were no items for the Town Clerk.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor – 42-46-5(a) (2) – Litigation – White Arbitration

Solicitor DeSisto noted there was no need for Executive Session at this time.

ADJOURNMENT:

Councilor Pelletier moved to adjourn, seconded by Councilor Pelletier passed unanimously.

Council adjourned at approximately 11:20 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

RESOLUTION OF THE TIVERTON TOWN COUNCIL

**IN SUPPORT OF DORIAN MURRAY
“D STRONG”**

WHEREAS, Dorian Murray, of the Town of Westerly Rhode Island is an eight year old battling rhabdomyosarcoma; and

WHEREAS, Rhambdyosarcoma is an incurable form of cancer; and

WHEREAS, Dorian has been courageously fighting this rare form of cancer for four years; and

WHEREAS, Because of this ordeal, Dorian is now known world-wide as “D-Strong”

NOW, THEREFORE, be it resolved that the Tiverton Town Council, on behalf of the Town of Tiverton, hereby joins in the effort to raise awareness of the “D-Strong” movement world-wide; and be it further resolved, that the Tiverton Town Council extends its best wishes to Dorian as he continues to battle this rare form of cancer, and that this resolution be added to his Facebook page, “Praying for Dorian.”

Approved by the Tiverton Town Council on this 25th day of January, 2016.

Denise DeMedeiros, President
Tiverton Town Council

Town of Tiverton

Resolution in Opposition to Governor Raimondo’s Proposed Truck Toll Gantries to be placed throughout the State of Rhode Island.

WHEREAS: The Governor’s Proposal will add additional financial burdens to families by increasing the already high cost of goods and services in Rhode Island and

WHEREAS: The Governor’s Proposal will place additional burdens on all Rhode Island Businesses resulting in more direct/indirect loss of jobs in Rhode Island and

WHEREAS: The Governor’s Proposal will likely be viewed nationwide as yet another Rhode Island anti-business/anti-consumer tax and

WHEREAS: The Governor’s Proposal ignores other alternative, and substantially more fiscally sound, pay-as-you-go proposals and

WHEREAS: The Governor’s Proposal increases our state’s already high bonded debt by at least another \$1.3 billion and

WHEREAS: The Governor’s Proposal is widely regarded as a “gateway” tax that will eventually lead to the tolling of ALL vehicles

THEREFORE BE IT RESOLVED that the Tiverton Town Council views the Governor’s Proposal as an unwarranted encroachment on intrastate commerce & transportation that places additional, significant and unnecessary burdens on Rhode Island Businesses and Consumers. We strongly encourage all cities and towns of the State of Rhode Island to oppose it and any other similar plans.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our State Delegation, the RI League of Cities and Towns and to all Rhode Island municipalities requesting support in OPPOSITION to the Governor’s Proposed Truck Toll Gantry Plan.

Adopted by the Town Council on the 25th day of January, 2016.