

**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 March 2016 A.D. at 7:00 p.m.

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

**MOMENT OF SILENCE**

At this time Council President deMedeiros called for a Moment of Silence for a former Town Councilor John Fernandes.

<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 Town Solicitors Peter Skwirz and Anthony DeSisto (later arrival) were also present.

**Approval of Consent Agenda:**

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

Council President deMedeiros read the items on the Consent Agenda. Councilor Pelletier requested removal of item CA3b, General Auto Recycling – February 24, 2016 Project Report. Councilor Chabot requested removal of item CA4, Town Administrator – Distribution of Department Monthly Reports for February 2016.

Councilor Pelletier motioned to approve the rest of the Consent Agenda. Seconded by Councilor Chabot the motion passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

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

Approval of Executive Session Minutes Council Meeting February 22, 2016

b. Approval of Amended Council Special Meeting Executive Session Minutes of February 13, 2016

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

a. Personnel Board (8)

b. Cemetery Commission

c. Conservation Commission (2)

d. Prevention Coalition

**A-3-Correspondence – Receive and File**

a. Armenian National Committee Request for Flag to be Flown on April 24<sup>th</sup>

**A-5-Treasurer Denise Saurette – a. January 2016 Budget and Revenue Reports**

**b. February 2016 Budget and Revenue Reports**

**A-6-Town Administrator – Distribution of Police and Fire Department February Overtime Reports**

## **BUSINESS BROUGHT BEFORE THE COUNCIL**

### **CA3b-General Auto Recycling – February 24, 2016 Project Report**

Councilor Pelletier requested a verbal update from the Town Administrator. DPW Director Steve Berlucchi visited the site 2 days ago with Building/Zoning Official Neil Hall and Town Engineer Deidra Paiva, inspected all 3 separate properties. Did not see any work done to remediate or remove vehicles; they made a wall of cars from end to end. Should have some kind of fencing, have junk and ferrous metals near the pond; continuously crushing cars. Everything should be cleaned up, DEM has issues, and the Town has issues with expanding the business to a non-complying area. Councilor Pelletier recalled the Town had asked for a RIPDES permit and a soil erosion plan. Ms. Paiva noted this report only applied to lot 115, nothing has been done in the field; distributed to the Clerk various pictures from the property. Councilor Pelletier was concerned with the licensing, compliance and the issue of soil erosion. Several months ago saw the pictures that showed an expansion of the business. Ms. Paiva agreed there was substantial expansion; the area is filled with product, DEM and RIPDES violations. Noted the owner was just meeting with DEM. Councilor Sousa questioned if the zoning use was separate from the license. Councilor Pelletier explained the phrase “subject to meeting all legal requirements” covered numerous items including zoning. T/A Wojcik reiterated, this business was not in compliance, if there is no zoning relief, cannot operate. Mr. Hall noted lot 115 is the subject business after the fact, have 10 acres of clear cut property with wetlands to the west. Does not have boundaries, requested a survey to stake the property line for lot 115. The violation is on all three lots, lot 112 is half covered with crushed shells and lot 113 had a pond which is no longer there. Ms. Paiva explained anyone that clears over 1 acre needs to pull a RIPDES permit even if it's in your own yard. Town Clerk Mello noted the license was renewed for 6 months, expires 5/30/16.

Councilor Pelletier requested setting expectations before May 30 for legal, engineering and administrative actions. Would like to know what the Council can do, should do and the cost. It is both a zoning and an environmental issue. Councilor Sousa suggested the Council ask why this business is pre-existing non-conforming, need a zoning change to expand with a special use permit. T/A Wojcik suggested putting down for a show cause hearing well in advance of the May 30 expiration. A license is not a right but a granted use, suggested doing this on the first meeting in April. Councilor Perry noted the Council has worked with this business for over a year and a half and nothing has been done.

Councilor Perry motioned for a Show Cause Hearing for April 11. The motion was seconded by Councilor Lambert. The motion passed on a vote of 6-1, Councilor Sousa opposed.

Councilor Pelletier motioned, seconded by Councilor Chabot to Receive and File CA3b. The motion passed on a vote of 6-1, Councilor Sousa opposed.

### **CA4-Town Administrator – Distribution of Department Monthly Reports for February 2016**

Councilor Chabot brought attention to the rewrite of the Hazard Mitigation Plan; a survey has been added to the Town and Fire Department website and also on the Tiverton EMA Twitter account and Facebook page. Encouraged residents to answer the survey.

Councilor Chabot motioned to Accept item CA4, seconded by Councilor Perry passed unanimously.

### **Items moved down in the agenda.**

Councilor Perry motioned to move items **B1, F1, F2 and F3** after New Business. The motion seconded by Councilor P. Mello passed unanimously.

## **B-PUBLIC HEARINGS:**

### **1. Public Hearing – Demolition of Unsafe Buildings – Status Update – Continued From Feb 22nd Dennis & Donna Silvia, 1588 Bulgarmarsh Road – Plat 215, Lot113**

Town Solicitor Skwirz had just received a call and an email from the attorney for Union Mutual, working out settlement documentation, will take several more days. Once that is done will be able to demolish the building,

requested continue to the next meeting. President deMedeiros called for comment from the public three times, hearing none closed the public comment portion. Councilor Sousa questioned if there was something in the ordinance that said what has to be the finished product when a building is taken down. Solicitor Skwirz explained it was covered by the building code, no structure can be on a lot that doesn't comply with the building code. The option is to take it down entirely or build it up to code. Mr. Hall agreed with the Administrator, is State Law, and has to be down to the grade with the foundation.

Councilor Lambert motioned to continue this Public Hearing to March 28, 2016. The motion, seconded by Councilor Chabot passed unanimously.

**C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:**  
**NON ADVERTISED PUBLIC HEARING FOR LICENSE RENEWAL - SUBJECT TO MEETING ALL LEGAL REQUIREMENTS**

**1. Flea Market License Renewal – Tom Ouellette’s Rte. 177 Flea Market, 1560 Bulgarmarsh Road**  
**Granted 3 Month Renewal on November 23, 2015 Subject to Fire Marshall and Building Official Reports**

Pat Campion, one of the owners, requested another 3 month extension, trying to work out the issues. Fire Chief Robert Lloyd explained the Fire Marshal, Tom Mello went to the business while it was open this weekend to do an inspection. Has not delivered the report to the occupant but did review it with them. Mr. Mello noted several issues cited on the inspection, some were done, still quite a few. Had safety concerns, discussed them with the owner. The Fire Marshal would not say the building was safe, explained part of the building has electrical; the rear of the building has no power. Had issues with the wiring all over, cords through the walls, emergency lighting, exit lights and fire extinguishers. Several units were loaded with combustibles, will not say this building is safe. Councilor Sousa suggested just licensing the flea market that is out in front and restricts it to the part that is usable. Mr. Hall visited the building with the Electrical Inspector, on January 11 was given a list of items the owners were to handle. So far 2 of 4 items have been done, the roof leaks were fixed with blue tarps. Some items had a 30 day plan however nothing with the electric has been done, no permit pulled. Walked every unit that could be opened, found several were dangerous. One had a compressor with a hole out of the back of the building so power could be provided. One unit had weed whackers and lawnmowers, gas, very dangerous. Mrs. Campion indicated they have done more, did try to get an electrical permit but Town would not issue. Willing to use only the outside, 90% of the building is used for storage. Classified as sheds, not a mortgage kind of property. Mr. Hall explained the Electrical Inspector has refused to issue an electrical permit until they get rid of the blue tarps or until the roof is fixed properly with code compliant material like asphalt shingles.

Councilor Pelletier questioned if there could be an arrangement that could be reached to limit certain areas in order to issue the license. Mr. Hall did not recommend issuing the license at this point, could give them a time frame; really up to the Council. Mr. Mello's job was life safety, could not say the building was safe. Councilor Pelletier suggested making the license subject to the extent the Council can limit the building access until repairs can be made. Chief Lloyd noted they had talked with the owner about the Fire Safety Building Board and appealing to them. Concerned if the parking lot is used then people may enter the building. Councilor Perry recommended authorizing the license for the parking lot only and removing all products from the buildings. Police Chief Blakey was concerned about putting the entire product in the parking lot therefore shrinking the size; have had numerous complaints about parking. Solicitor Skwirz opined, legally the Council can impose conditions as to where the license can take place; the practical issue is whether the owners can address this issue or not. Mr. Hall explained the part that extends to the bathrooms is up to code, the rest of the electricity after that has been shut off. The roof has to be repaired in order to fix the electrical. President deMedeiros questioned if the parking lot was allowed to be used and people were allowed to go into just the code compliant section would the Town be liable? Solicitor Skwirz explained the question of liability was tricky. Ultimately did the Town Council act reasonably, was it foreseeable, can the Council condition a license to be comfortable with a dangerous situation.

Councilor Sousa did not have a problem with issuing a license only for the buildings in compliance, Councilor Perry made that in the form of a motion. Councilor Pelletier suggested cutting off the building north of the

restrooms and the back side with no occupancy or access, storage or otherwise for 3 months with the expectation there is a permanent plan and solution for those buildings. T/A Wojcik noted if you go to the Fire Safety Board of Appeals (FSBA) and a plan is approved that stays further regulatory action and gives the applicant an appropriate amount of time. If the applicant was willing to do this it would be a layer of protection for the Town. Councilor Sousa disagreed with having the applicant go to this Board; just another layer of bureaucracy. FM Mello has worked with the owners, affirmed the statement about the front part of the building being safe did not come from him. That part of the building still has electrical issues can be corrected fairly quickly. If the Council is going to put caveats on the license then it should include the fire alarm system has to be maintained. It was expired when the business was visited on Saturday, has to be kept current.

Councilor Pelletier suggested the minor electrical violations be repaired within 30-45 days and proof of the fire alarm system is shown. T/A Wojcik explained the FM can find a building unsafe, and the owner can make the required repairs, appealing to the FSBA gives a layer of protection.

Councilor Pelletier explained the motion would allow the vendors to empty out the sheds, not go back in but to allow them to store the items elsewhere. The motion would be to use the west side to the bathrooms and would have to be compliant within a month to fix those violations and the fire alarm. Workmen can go in the buildings to repair and inspect, not to use the north side at all and everything would have to be removed from that side, would be for 3 months and the parking lot can be used as a Flea Market for the time being. Town Clerk Mello noted the license would be subject to meeting all legal requirements, in this case a tax payment plan would have to be set up; will not issue unless the Council instructs to do so. Councilor Pelletier did this as a motion and was seconded by Councilor Perry. This motion passed unanimously.

Councilor Pelletier noted this should come back in a month; Chief Lloyd requested a written copy of this motion.

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

### **Appointments**

#### **1. Recreation Commission – 6 Vacancies**

##### **a.Karen Midolo, 355 Cottrell Road**

President deMedeiros noted the 6 vacancies on this Commission, have 3 more requests coming. T/A Wojcik added there are 5 vacancies and 1 for reappointment. Mrs. Midolo recently moved to Town, looking to do something for younger children.

Councilor Perry motioned to waive the one meeting requirement for the appointments. Seconded by Councilor Chabot passed unanimously.

Councilor Pelletier motioned to Appoint Karen Midolo, 355 Cottrell Road to the Recreation Commission subject to Town Clerk review of the terms and time limits. The motion, seconded by Councilor Chabot passed unanimously.

##### **b.John Cordeiro, 19 Blueberry Lane (Requesting Re-appointment) – 3 Year Term**

Mr. Cordeiro, seeking reappointment, was unable to attend this meeting.

Councilor Perry motioned to Reappoint John Cordeiro, 19 Blueberry Lane to the Recreation Commission for a 3 year term. The motion, seconded by Councilor Chabot, passed unanimously.

#### **2. Personnel Board – 1 Vacancy – 4 Year Term**

##### **a.Marguerite C. Rizzi, Ed.D, 88 Barn Swallow Drive**

Councilor Pelletier questioned which Board Ms. Rizzi would be appointed to; listed 3 different ones on the application. Town Clerk Mello talked to Ms. Rizzi who as Superintendent of Schools was attending a budget meeting in Stoughton. The Personnel Board seemed to fit best with Ms. Rizzi's schedule.

Councilor Perry motioned to Appoint Marguerite C. Rizzi to the Personnel Board for a 4 year term. The motion, seconded by Councilor P. Mello passed unanimously.

### **3. Conservation Commission - 1 Vacancy – Unexpired Term to 4/15/2017**

#### **a. Brenda Mottram, 88 Barn Swallow Drive**

Ms. Mottram recently moved to Town, read about the vacancies in the newspaper. Loves to be outside, was looking for a way to contribute to the community.

Councilor Pelletier motioned to Appoint Brenda Mottram, 88 Barn Swallow Drive to the Conservation Commission for an Unexpired Term to 4/15/2017. The motion, seconded by Councilor P. Mello passed unanimously.

#### **E-UNFINISHED BUSINESS:**

There were no items for Unfinished Business on this agenda.

#### **G-NEW BUSINESS:**

##### **1. School Department – Request Town Council Seek Enabling Legislation to Place Question on November Ballot for a Bond in the Amount of \$15.4 Million for Health & Safety Renovations Needed at Two Schools**

William Rearick, Superintendent of Schools and Doug Fiore, Business Manager on behalf of the School Committee were requesting the Town Council seek enabling legislation to go before the General Assembly to put a \$15.4 million dollar bond issue for the ballot this November to put before the voters. Had several meetings with the Council and Budget Committee (BC) to discuss the school facilities study. Rhode Island Department of Education (RIDE) strongly recommended changes to be more comprehensive changing to a 40 year roof and replace totally the HVAC systems in both schools. The Facilities Committee also reviewed the recommendations from RIDE. The Council was provided with backup material regarding cost. President deMedeiros noted the Town would be reimbursed for 39% of the cost. Ms. Rearick explained if the Council votes to seek enabling legislation it would still have to be approved by RIDE, if not then the School Committee would not move further. With the reimbursement the cost would be \$9.4 million. The repairs are for health and safety, the buildings are structurally sound. One of the new schools built in another community cost \$80 million; this is preventive maintenance. Mr. Rearick expected it would take one year for the money borrowed to be reimbursed 39% every year on the payment; the project would begin in the summer of 2017. The SC is also submitting a 5 year capital plan so if this is not approved by the voters in November the SC would still be able to ask for reimbursement. If approved tonight will ask the Council President to sign as it has to be submitted tomorrow. Expect to know by mid –May if RIDE approves the plan.

Councilor Perry motioned to Approve the request to the Town Council to Seek Enabling Legislation to place Question on November Ballot for a Bond in the amount of \$15.4 million for Health and Safety Renovations at Two Schools, the Middle School and the High School. The motion, seconded by Councilor Pelletier passed unanimously.

At this time, 8:38pm, the Council President called for a 5 minute recess.

Council returned from break at approximately 8:45 pm.

##### **2. Grinnell’s Beach Improvement Committee – Final Recommendations and Possible Vote**

Trish Hilton, Chair of the Grinnell’s Beach Improvement Committee (the Committee) discussed the slide show presentation on the Committee’s recommendations. Along with the Roger Williams Community Partnership Center conducted surveys and charrettes to see what residents wanted to see done with that area, Overall results included beautification of the area, increased recreational and public access. The recommendations for the gas station included demolition of the building, leasing it or repurposing for recreation or to an outside vendor. Grinnell’s is a small beach with a large playground area; the goals included expanding the beach area, organized parking, separate fishing, create a park like area and increase waterfront access. The Concept Plan includes

removing the picnic tables, relocating the flag pole, demarcating the parking lot which will end up with 50 spots. There will be a line of boulders, dunes and native eel grass between the beach and the parking area. At the far end of the parking lot there would be gated emergency access for the beach. The sand for the beach would cost around \$10k. Along the Main Road area native plants and eel grass would be planted to act as a noise buffer. The recommendation is for the gas station to be demolished and replaced with a 40x90 Sail Structure on a stamped concrete pad, a canvas type structure that provides shade. There would be benches or beach chairs under the structure with native plants, sea side appropriate plant materials nearby. A gravel type strip area next to the structure would be used for emergency vehicles or for a vendor's truck. The Committee is suggesting a new gate and would like to see a new sign. Handicap parking spaces would be along the abutment area as taken from that design. A boardwalk type ramp directly opposite those spaces would give access to the garden area. The existing rock groin area currently on the beach would be reduced slightly and another smaller one added to the west of that to separate the fishing area. Discussed the plan with the Police and Fire Chiefs and the DPW Director Steve Berlucchi. Chief Blakey requested if possible to extend the south sidewalk, because of the contours of that intersection, that area is not owned by the Town. The Town Planner, Marc Rousseau is currently working on that aspect of the plan to see if something can be done. At the end of the parking lot a post and rail fence would be erected so cars cannot drive on the beach.

The shade sail was recommended; has more aesthetics, lower cost, low maintenance, storm resilient and has a solar lighting option. The estimated cost of the sail \$19k, the posts are rated to 160mph and the sails to 90mph. Suggest taking down the sails in the off season. Councilor Sousa had a problem with shrinking the fishing area and with not being able to drive on the beach. Ms. Hilton explained the beach is supposed to have 50 parking spots; this plan did not reduce the number of spots but just organized them. The Council can determine the hours for beach bathing and fishing. The Committee is suggesting the beach and fishing area be separated. Ms. Hilton understood once the abutment is repaired that area will be available for fishing; the Committee recommended a fish cleaning station be located in that area over the water. Councilor Sousa again disagreed, did not want to change anything. Councilor Chabot questioned why the food truck would be at the end of the parking lot. Ms. Hilton explained most trucks have generators, would be loud; also there is power in that area. Councilor Pelletier added, this would be an amenity for beach goers, better than being located near the road.

Ms. Hilton commented on the Wastewater Management (WW) aspect of the plan. RIDEM mandates replacement of existing cesspools, will need 2 regulatory approvals-RIDEM and CRMC. Depending on what is decided DEM may require a zero discharge system. Another thing to consider is in the 2014 Tiverton Wastewater Facilities Plan Update includes sewers down Main Road running past Grinnell's. May be obsolete if sewer is recommended for this area. Suggest doing an initial consultation with DEM to see if Class 3 systems are suitable. Options 1 & 2 include and upgrade for the existing septic system to OWTS would probably require advanced technology or a DEM approved holding tank. Both of these options are expensive and would require extensive bathroom renovations for ADA compliance and low water flow fixtures. Option 3 to consider is Clivus Composting Toilets, supported by DEM; 2 units cost around \$115k, do not have running water but use hand sanitizers. These units are relocatable. Option #4 is a Porta-Lisa Trailer, estimate rental at \$2k per month, can consider for a trial basis. These are also removable and relocatable. With this option suggest using the existing bathroom as a base of operations for the Harbor Master; can be done with minor renovation.

Councilor Sousa did not agree that the existing septic system for the gas station was inadequate. Ms. Hilton explained that was looked at, according to DEM size is based on use and that system was sized for 3 employees per day. Councilor Sousa disagreed, opined was a large tank, did not research this enough. Ms. Hilton again explained this system was not sized for the number of users at the beach. Historical data shows on an average weekday 50-70 people using the beach; on a busy weekend that number increases to 200. Councilor Pelletier refuted Councilor Sousa's statement not enough research was done. There was a tremendous amount of research and meetings and according to DEM this system is not sized adequately. Ms. Hilton reminded the Councilor that the vast majority of participants in the survey and at the charrettes indicated no willingness to save that old building. Ms. Hilton opined this expensive project would be paid for with grant funding. Estimated to cost \$150k, wastewater \$45k to 250k choice dependent. Suggest adding an additional 10% for contingencies. This project

offers more coastal access and a number of environmental improvements for wastewater, Stormwater, liquefiers, beach resiliency and accessibility; shows Town commitment. Net cost \$325-525k, already received a small grant from CRMC for \$3,750 for plants, applied for a \$15k grant from the RI Foundation Centennial Grant and with approval will apply for an available \$400 grant from DEM Recreational Development. There are other grants for arts, green energy, solar energy and accessibility. The DEM grant has a 20% match, with 100% in kind services which can include volunteer work. The grant application is due May 27 and must include a copy of the minutes of that meeting including the public hearing. The Comp Plan is not a requirement to apply for the grant, should be completed within year of approval of grant. Takes 1 year for the State grant, need Comp Plan approval by February of next year. Need a strong narrative before the May deadline.

Councilor Sousa disagreed with starting a new project when other recreation areas need repair and maintenance. Ms. Hilton noted the public hearing would be on the grant application, can use the materials from the concept plan when applying for the grant; would need a vote from the Council at that time. T/A Wojcik questioned if anything could be done with that building this year. Ms. Hilton explained that the Town could apply for a waiver from DEM for retroactivity to bank and use in-kind contribution as part of the grant application. Would need DEM and CRMC permits required to demolish, could demolish the picnic tables, playground, demarcate the parking, grade the beach and install new sand. Would need to keep detailed track of time and materials. The Conservation Commission will do the planting. Need the Town Council to decide about the concept plan to go forward and authorize application for grant funding. Councilor P. Mello thanked Ms. Hilton for the hard work. President deMedeiros called for additional Council comments. Councilor Lambert supported the concept, was a member of the Committee and opined that area does need improvement. Councilor Chabot, liaison to Wastewater, opined the cesspool had to go, using that system was not an option at this point, supported using the Porta Lisa as a temporary solution, thanked Ms. Hilton and the committee for doing a great job. This concept plan brings in a lot of different elements. Melissa Hutchinson, committee member showed a photo shop rendering of the sail structure and the beach area.

Councilor Perry motioned, seconded by Councilor Pelletier to Approve the Concept Plan as presented. Councilor Pelletier noted Ms. Hutchinson made numerous renderings of site plans, is a local architect, was a great help to the committee and thanked her very much for the excellent job. Councilor Sousa appreciates the volunteers, does not agree the plans. The motion passed unanimously.

Councilor Pelletier motioned to Authorize Application for Grant Funding for RI DEM Recreation Development Grant and request Town Administrator Wojcik to take the lead. The motion, seconded by Councilor Chabot passed unanimously.

Ms. Hilton thanked and recognized various members of the committee including Councilors Pelletier and Lambert, Administrator Wojcik, Town Planner Marc Rousseau, Dave Stewart (Harbor Commission), Brian Janes (Open Space), Melissa Hutchinson (EDC), Peter Moniz (Planning Board) and Susan Gill, unofficially representing Recreation .

At this time Administrator Wojcik requested item G5 be moved up in the agenda.

Councilor Perry motioned, seconded by Councilor Chabot to move item G5, Approval of Resolution to Establish OPEB Trust Account With Interlocal Trust after G2. Motion passed unanimously.

#### **5. Town Administrator – Request Approval of Resolution to Establish OPEB Trust Account With Interlocal Trust**

Ian Ridlon, Executive Director of the Interlocal Trust, gave a brief overview of the Other Post-Employment Benefits (OPEB) program. The OPEB benefits are contractual obligation benefits of the Town, in RI this obligation is approximately \$3.3 billion, only 2% funded by municipalities. Members went to the Trust to see if a program could be created for those municipalities to create a trust. To establish a trust is relatively expensive went to the State legislation to enable the Trust to provide this program in 2012. Essentially a turnkey approach,

Need to adopt a resolution to join the Trust program. The assets are pooled for investment purposes but are not assuming other members liabilities. This program has 14 members with \$20 million in assets, gets a greater return by pooling and decreased associated fees. Under GASB 45 (Governmental Accounting Standards Board) these OPEB show as a financial footnote. In 2017 under GASB 75 this will be moved to liabilities which can adversely affect a credit rating. Mr. Ridlon handed out documentation explaining the program. Currently US Bank is custodian of the funds, Vanguard is the Investment Manager. There is no obligation to fund any minimum amount, has monthly and quarterly reports. Page 11 of the presentation showed a fee chart; fees decrease with increases in assets. Page 9 showed the differences in what the Town has now, Pay As You Go and the Pre-funding rate. Pre-funding reduces the amount by 30% from \$26million to \$18 million; the amount changes based on the annual contribution. There is no cost to fund, no obligation to join; basically created as a vehicle as a way for the members to fund.

Mr. Ridlon clarified OPEB is for retirees like health care other than pensions. If the Town puts in money over the obligation then that reduces future obligations, is a lower cost to the Town. T/A Wojcik noted the Town budgeted \$2.3 million for health care; \$800k for retiree health care. Both the Treasurer and Administrator recommended joining this program. The Police and Fire unions pay their own OPEB which is held in a restricted account. Mr. Ridlon added this program would be an irrevocable trust is in effect as long as the Town has retirees. This is not like a rainy day fund. A number of Towns have joined; presenting this to the School Dept as well, could join as separate entities. Councilor Pelletier requested an updated prospectus for these 3 funds. Councilor P. Mello requested more time to review the items in the handout, Councilor Perry suggested next meeting. Mr. Ridlon suggested Councilors contact some of the other communities that are in the program.

Councilor Pelletier motioned to continue the Approval of Resolution to Establish OPEB Trust Account with Interlocal Trust to the March 28 Town Council meeting. The motion, seconded by Councilor Perry passed unanimously.

**3.TFD, Chief Lloyd – Request Permission to Purchase 150HP Outboard Motor for Marine 14 From Nopper Marine , Inc of Fairhaven, MA for \$13,000 Utilizing Funds From Acct# 3310-7611 (Fuel, Oil & Tires)**

Chief Lloyd explained the motor on Marine 1 blew out, have money in this year's budget, savings on fuel costs. Using a GSA, General Services Administration, similar to a master price agreement, which the Coast Guard uses. Have several quotes from other vendors, this is the lowest. The boat should be in the water before summer. Asking \$13k, not sure if any incidentals may be needed by changing the motor. Marine 14 was donated by the Ledoux Foundation.

Councilor Perry motioned, to Permit the Purchase of a 150HP Outboard Motor for Marine 14 From Nopper Marine , Inc. of Fairhaven, MA for \$13,000 Utilizing Funds From Acct# 3310-7611 (Fuel, Oil & Tires). The motion, seconded by Councilor Chabot passed unanimously.

**6. Town Administrator – Interlocal Trust Equity Distribution - Request Authorization to Set Aside Funds for Premium Stabilization**

Administrator Wojcik was asking for permission to sign a letter, attached to the backup, for the equity distribution, approximately \$27k, from the Premium Stabilization fund. The Trust takes the premium, the assets are invested and the excess is distributed to the participating town. Two thirds is used to lower the rate, the other one third is given to the Town to decide how to use. Looking to use the \$27k to stabilize the rates for 2017. Last year there was a much larger mandatory withdrawal.

Councilor Pelletier motioned, seconded by Councilor Chabot to Authorize the Town Administrator to sign the letter to set aside funds for Premium Stabilization. The motion passed unanimously.

**4.Town Administrator – Approval of Addendum to the PARE Corporation Contract for \$24,000 From Landfill Closure Fund to Provide Engineering Services to Establish a Capping Grading Plan**

Director Berluca explained the Landfill is getting to the stage where design engineering is needed for the grading plan to establish capping of the Landfill, to develop contours, the slope and elevations. This past Saturday the Committee toured the Landfill looking to establish areas for a recycling center. This is all part of the closing process, looking to use the money from the Landfill restricted account. This included developing an existing conditions plan, the height and valleys. Stormwater will be a big concern. Councilor Sousa questioned if the request was sent to Representative Edwards who was waiting to do legislation relative to expanding height. Director Berluca explained this aerial survey and plan were going to be used to establish how much space is left in the landfill, the vertical limit and then will know how much to apply for. T/A Wojcik explained to Councilor Sousa the need to have a contour plan for the General Assembly to get permission; the landfill has 3 years left on the existing permit. Director Berluca noted the need to do a complete topographic survey of the entire 33 acres; they do not do fly overs in the winter. Councilor Pelletier noted read from the backup this is an estimate of the remaining usable landfill volume. Councilor Pelletier recommended reaching out to Rep. Edwards to see exactly what he needed. T/A Wojcik reiterated the landfill has 3 years left, will be going to the GA to get an extension, this is to see how much higher the landfill can go.

Councilor Chabot motioned to Approve the Addendum to the PARE Corporation Contract for \$24,000 From Landfill Closure Fund to Provide Engineering Services to Establish a Capping Grading Plan. The motion, seconded by Councilor Pelletier passed on a vote of 6-1, Councilor Sousa opposed.

#### **7. Town Administrator – a. Authorization to Contract Consultant for Cell Tower Lease Renewal**

Administrator Wojcik explained the Town has 3 leases for cell towers; this particular one is located behind the Police Station on Industrial Way and it expires in August 2017. The economics of cell towers are not abundantly clear, asked other communities what they get. Tiverton gets two thirds more than anyone else. Looking to hire a consultant to do an analysis regarding the value. This cell tower generates \$70k per year.

Councilor Pelletier motioned to Authorize to Contract a Consultant for Cell Tower Lease Renewal services. The motion, seconded by Councilor Chabot passed unanimously.

#### **b. Approval of Transfer \$4000 From Acct#1020-7152 (Advertising/Comp Plan) to Acct#1120-7423 (Administrator Supplies & Misc.)**

Councilor Pelletier questioned if there would be enough money in the Comp Plan account if the Council is going to be moving forward with advertising. T/A Wojcik opined with the time frame would have enough left this year and going forward to next year.

Councilor Pelletier motioned, seconded by Councilor Chabot to Approve the Transfer of \$4,000 from Acct#1020-7152 (Advertising/Comp Plan) to Acct#1120-7423 (Administrator Supplies & Misc.). Motion passed unanimously.

### **B-PUBLIC HEARINGS:**

#### **1. DPW Director Stephen Berluca – Public Input Hearing and Approval for RIPDES (Rhode Island Pollution Discharge Elimination System) Small MS4 2015 Annual Report Required by RIDEM**

Director Berluca and Matt Ladewig, ESS Group, Stormwater consultant appeared before the Council on the RIPDES annual pollution discharge report. This report has been updated, is required, all 1,500 catch basins have been cleaned. All the streets have been swept; this is a public hearing on this draft, any recommendations will be added to this report. Mr. Ladewig noted page numbers have been added to the report, nearly the same as last year. This year DEM has added checkboxes to the report, went from more of a narrative report to a checklist style. Councilor Chabot noted the Tiverton Wastewater District (TWWD) is now a separate entity, questioned if anything from them was incorporated into the report. Director Berluca worked with the TWWD on illicit discharge investigations, had to go before them to incorporate a plan. Councilor Chabot pointed to pages 6-7, Mr. Ladewig affirmed the notations TBD with a date of the public notice and the response would be filled in.

President deMedeiros opened the hearing for comments to the public. Deidre Paiva, Steere Engineering, as Town engineer for compliance thoroughly reviewed the report, marked up a copy; suggested incorporating that into this report. Director Berlucchi can meet with Ms. Paiva on Stormwater (SW); some suggestions to include in the report were the number of subdivisions reviewed, new additions to the report like the Library and the Villages. Ms. Paiva suggested including the DEM violation from General Auto. T/A Wojcik agreed, thanked Ms. Paiva, and noted the Town has done a number of things to be in compliance. The TWWD has compiled 3 years of data for OWTS and illicit discharge information. President deMedeiros called for comment from the public three more times, hearing none closed the public comment portion. Councilor Chabot questioned the due date, Mr. Ladewig explained it was due March 10, did notify DEM this would be late.

Councilor Pelletier motioned to Approve the RIPDES (Rhode Island Pollution Discharge Elimination System) Small MS4 2015 Annual Report subject to the updates and modifications. The motion, seconded by Councilor Pelletier passed on a vote of 6-1, Councilor Sousa opposed.

## **F – FINANCIAL BUSINESS:**

### **1. TFD, Chief Lloyd – Request Transfer of \$10,000 from Acct #3310-5101 (Base Salary) to Acct #3310-7640 (Apparatus Maintenance)**

Chief Lloyd explained there is only \$300 left in that account had major repairs on some apparatus. That account was cut in the petitioner's budget last year by \$5k. This year, several vacancies in the department, can take from the Base Salary account.

Councilor Pelletier motioned to approve the Transfer of \$10,000 from Acct #3310-5101 (Base Salary) to Acct #3310-7640 (Apparatus Maintenance). The motion, seconded by Councilor Sousa passed unanimously.

### **2. Chief Blakey – Request Transfer**

#### **a. \$1914.52 From Acct#3330-5108 (Longevity) to Acct#3330-6928 (Education)**

#### **b. \$16,000 From Acct#3330-7611 (Gasoline) to Acct#3330-6928 (Education)**

Chief Blakey explained 3 Officers are taking classes at Boston University, has a higher tuition rate than local universities. State mandated as well as a contractual obligation, can take class anywhere as long as the college is accredited.

Councilor Perry motioned to Approve the Transfer of \$1914.52 From Acct#3330-5108 (Longevity) to Acct#3330-6928 (Education). The motion, seconded by Councilor Pelletier passed unanimously.

Councilor Perry motioned to Approve the Transfer of \$16,000 From Acct#3330-7611 (Gasoline) to Acct#3330-6928 (Education). The motion, seconded by Councilor Pelletier passed unanimously.

### **3. DPW Director Berlucchi – Request Transfer of \$2738.00 From Acct#5540-5101 (Payroll) to Acct#5540-6698 (Sand, Salt & Gravel)**

Director Berlucchi explained this account was overspent by \$2,738, when material is ordered it comes in 18 wheelers, cannot determine exact cost. Still have half a shed left, this year had a lot of ice calls.

Councilor Perry motioned to Approve the Transfer of \$2738.00 From Acct#5540-5101 (Payroll) to Acct#5540-6698 (Sand, Salt & Gravel). The motion, seconded by Councilor Chabot passed unanimously.

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

There were no items for this topic on the agenda.

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

Sally Black thanked the Council and especially Councilor Sousa for the support for approving the request to put the school bond question on the ballot. Noted the High School Cheerleaders won the small school championship.

### **I-TOWN ADMINISTRATOR ANNOUNCEMENTS:**

There were no Administrator announcements.

### **J-COUNCIL ANNOUNCEMENTS:**

Councilor P. Mello requested update on Quarry legislation. Solicitor DeSisto to contact Rep. Edwards. Also requested a public presentation from Emera Energy on Industrial Park proposal. President deMedeiros suggested that for some time in April, have several public hearings next meeting. Requested update on Stone Bridge project, T/A Wojcik will be meeting this Friday afternoon with David Fish and with the VHB consultants, may be getting a plan for that area to bring before the Council. Councilor P. Mello planned to attend that meeting.

Councilor Perry attended a Lions Club function that recognized teachers, fire fighters and citizens. Urged more members of the Council to attend future functions. President deMedeiros, Mrs. Black and Rep. Edwards also attended the function. Councilor Sousa did not recall seeing an invitation. Councilor Pelletier did not march in the St. Patrick's Day parade had to attend a non-profit board meeting.

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

There were no Solicitor items or announcements.

### **L-TOWN CLERK ITEMS AND ANNOUNCEMENTS**

#### **Presidential Preference Primary - Final Voter Registration Sunday, March 27th at Tiverton Police Station From 1:00p.m. to 4:00 p.m.**

Town Clerk Mello reminded the final day to register to vote for the Presidential Preference Primary is on Easter Sunday, March 27, 2016. Voter registration will take place at the Tiverton Police Department between the hours of 1pm to 4pm.

#### **Voter I.D. Drive at Portsmouth Multi-Purpose Senior Center on March 21st**

Town Clerk Mello also announced there will be a Voter ID Drive at the Portsmouth Multi-Purpose Senior Center, 110 Bristol Ferry Road on Monday, March 21 from 10am to 12pm. Hoping to make arrangements for an ID drive here in Tiverton sometime in April.

### **CLOSED EXECUTIVE SESSION:**

#### **1. Town Solicitor – 42-46-5(a) (2) – Litigation – McLaughlin v. Town of Tiverton**

#### **2. Personnel – 42-46-5(a) (1) – Distribution of Building/Zoning Official Neil Hall's Performance Evaluation – Notice Given**

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

#### **4. Town Administrator - 42-46-5(a) (2) – Collective Bargaining Teamsters**

Councilor Lambert moved to go into Closed Executive Session pursuant to RIGL 42-46-5(a) (2) re: – Litigation– McLaughlin v. Town of Tiverton. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert moved to stay in Closed Executive Session pursuant to section 42-46-5(a) (1) re: Distribution of Building/Zoning Official Neil Hall's Performance Evaluation – Notice Given. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert moved to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Collective Bargaining AFSCME. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

Councilor Lambert moved to stay in Closed Executive Session pursuant to 42-46-5(a) (2) – Collective Bargaining Teamsters. The motion, seconded by Councilor Chabot passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 11:20 p.m.

The Council returned to Open Session at approximately 11:40 p.m.

**OPEN SESSION:**

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

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

**ADJOURNMENT:**

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

The meeting adjourned at 11:55 p.m.

A True Copy.

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