

**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 April 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 ADMINISTERING OATH OF OFFICE TO FIRE DEPARTMENT MEMBERS
THOMAS M. MELLO – FIRE MARSHAL
CRAIG P. INSANA – PROBATIONARY FIREFIGHTER
PATRICK K. GORMAN – FIREFIGHTER
DONALD K. CLARK, JR. - FIREFIGHTER**

Vice President Chabot noted the first item on the agenda is Administering Oath of Office to members of the Tiverton Fire Department. Fire Department Chief Robert Lloyd described the various commendations and backgrounds of each of the Firefighters. VP Chabot administered the Oath of Office, welcomed the current and new firefighters. The ceremony was followed by a round of applause. President deMedeiros, who had just arrived, thanked everyone.

At this time Council President deMedeiros called for a motion to enter into Closed Executive Session. This was done at the request of Solicitor DeSisto.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor – Potential Litigation – 42-46-5(a) (2) – Plantation Drive Sewer Issue

Councilor Lambert made a motion to enter into Closed Executive Session pursuant to 42-46-5 (a) (2) – Potential Litigation re: Plantation Drive Sewer Issue. The motion, seconded by Councilor Perry passed on a roll call vote of 6-1, Councilor Sousa opposed.

The Council entered into Executive Session at approximately 7:10 p.m.

The Council returned to Open Session at approximately 7:30 p.m.

OPEN SESSION:

In Open Session President deMedeiros called for a motion to Authorize the Town Attorney to enter into release and subrogation agreement with the homeowners of Plantation Drive.

Councilor Perry motioned to Authorize the Solicitor to enter into a release and subrogation agreement with the homeowners of Plantation Drive. The motion, seconded by Councilor Pelletier passed on a vote of 6-1, Councilor Sousa opposed.

Solicitor DeSisto explained the agreement will be on the Planning Board agenda for May to complete this process.

Councilor Perry motioned to seal the minutes of Closed Executive Session. The motion, seconded by Councilor P. Mello passed on a vote of 6-1, Councilor Sousa opposed. At this time President deMedeiros called for a motion to move up Appointments to the top of the agenda.

Item moved up in the agenda.

Councilor Pelletier motioned to move Appointments to the top. The motion seconded by Councilor Perry passed unanimously.

D - APPOINTMENTS & RESIGNATIONS:

Appointments

4. Historical Cemeteries Commission – Three Year Term to 4/15/2019

David E. Bell, Jr., 30 Patsy Street – Seeking Re-Appointment

Councilor Perry motioned to Reappoint David E. Bell, Jr., 30 Patsy Street to the Historical Cemeteries Commission for a Three Year Term to 4/15/2019. The motion, seconded by Councilor Chabot passed unanimously.

5. Open Space Commission – Three Year Term to 4/15/2019

a. Brian Janes, 286 Seapowet Ave. – Seeking Re-Appointment

Councilor Perry motioned to Reappoint Brian Janes, 286 Seapowet Ave., to the Open Space Commission for a Three Year Term to 4/15/2019. The motion, seconded by Councilor Pelletier passed unanimously.

6. Library Board of Trustees –Unexpired Term to 10/15/2018

Ken Hartlaub, 96 Woodland Circle – Seeking Appointment

Mr. Hartlaub was a program manager, the library was a great space for utilization, should be enjoyed by the community. Mr. Hartlaub looked forward to maintaining and operating this for the community.

Councilor Perry motioned to Appoint Ken Hartlaub, 96 Woodland Circle, to the Library Board of Trustees for an unexpired term to 10/15/2018. The motion, seconded by Councilor Pelletier passed unanimously.

7. Art Council – Three Year Term to 4/15/2019

James Pelletier, 104 Bonniefield Drive

Barbara Pelletier, Art Council member explained her husband was unable to attend, again volunteered to fill in on this committee until it is full. One other member is currently out of state.

Councilor Perry motioned to Appoint James Pelletier, 104 Bonniefield Drive, to the Art Council for a Three Year Term to 4/15/2019. The motion, seconded by Councilor Sousa passed unanimously.

Approval of Consent Agenda:

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

President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of item A4, March 2016 Budget and Revenue reports.

Councilor Perry motioned to Approve the rest of the Consent Agenda except for A4. The motion, seconded by Councilor P. Mello passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Regular Council Meeting Minutes of March 28, 2016
- b. Approval of Executive Session Minutes Council Meeting April 11, 2016
- c. Approval of Amended Executive Session Minutes Council Meeting March 28, 2016

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

- a. Cemetery Commission
- b. Historical Cemeteries Commission
- c. Prevention Coalition April Newsletter

A-3-Correspondence – Receive and File

A-5-Proclamation for Fair Housing Month – April 2016

A-6-Approval of Grant Agreement Between RIDEM and Town of Tiverton For Purpose of Purchasing a Vacuum-Assist Street Sweeper & Closed Circuit Television Camera in Amount of \$119,342

A-7-Pocasset Cemetery Commission – Approval of Mechanical Device and Greens Rental Fees – Grave Lot \$75.00 per Opening and Cremation \$50.00 per Opening

BUSINESS BROUGHT BEFORE THE COUNCIL

A-4-Town Treasurer Denise Saurette – March 2016 Budget and Revenue Reports

Councilor Perry questioned if the Hotbox listed on page 1 was purchased. DPW Director Steve Berlucchi affirmed it was on its way, has taken two months, the brand new model should be here in 1-2 weeks. Questioned whether there would be enough left in the Fire Department Overtime Account; listed on page 5 has balance of \$53k, year to date shows \$121k. Chief Lloyd was hoping to fill one more position. President deMedeiros credited everyone for the good numbers. Town Administrator Wojcik explained the Fire Department has reached the cap of \$125k in the contract; now overtime is according to the Fair Standards Labor Act (FSLA) which only kicks in after the 28 day look back and if the person was actually on the job for more than 56 hours.

Councilor Perry motioned to Approve item A4, Town Treasurer Denise Saurette – March 2016 Budget and Revenue Reports. The motion, seconded by Councilor Chabot passed unanimously.

Item moved up in the agenda.

President deMedeiros requested the Open Forum be moved up to this point in the agenda.

Councilor Perry motioned to move up H-1- Open Public Forum For Announcements, Comments, and Questions. The motion, seconded by Councilor Chabot passed unanimously.

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

Nick Prizio and Brian Falconer, on behalf of the residents of Plantation Drive thanked the Council for listening to their concerns and Solicitor DeSisto for helping. Commented on potential litigation with this situation and the developer, documentation needs to be verified. Strongly encouraged this be reviewed and with the Planning Board as well. Will be addressing with the Planning Board the trash pickup from this private road. Mr. Falconer suggested that the trash be picked up at the end of the old Bullfrog Lane. Mr. Prizio understood the process for street acceptance, doing in small increments, will probably come back to ask for plowing. President deMedeiros suggested discussing the trash issue with the DPW Director. Director Berlucchi explained there is an ordinance

that specifically says the DPW will provide no services to roads unless accepted, also in the Planning Board regulations. Director Berlucchi will discuss with Mr. Prizio picking up the trash at the end of the cul de sac. Mr. Prizio thanked the Council for attention to this matter.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

1. Demolition of Unsafe Buildings – Status Update – Continued From April 11th

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

Solicitor DeSisto noted all the paperwork has been completed. The contractor came for the appropriate permits. Solicitor DeSisto has talked to the attorney for the insurance company and requested the public hearing be closed. Suggested the Council determine this building should be demolished and their insurance company be given 45 days from today's date to complete the project. President deMedeiros called for public comment three times, hearing none closed the public hearing.

Councilor Perry motioned for the Council to determine this building should be demolished and their insurance company is given 45 days from today's date to complete the project. The motion, seconded by Councilor Sousa passed unanimously.

2. CDBG 2016 Grant Application – Second Public Hearing

Sam Shuford, Church Community Housing Corporation (CCHC) explained this was the second of two public hearings on the Town of Tiverton's CDBG grant application. The Town has a \$250,000 cap and it is the intent to apply for 13 different activities. Some of those activities included \$25k for paving the top course on Hilton Street from Main Road to Shove Street in the North Tiverton Census Tract; applying for \$120k to install solar photovoltaic panels for renewable energy at Apple Creek Apartments and \$47k to install solar panels for renewable energy and heat pump hot water heaters at Sandywoods Farm. At the first hearing a question arose as to how many Tiverton residents are served by the Boys and Girls Club which had requested consideration for funding. Mr. Shuford explained 16 Tiverton residents used the Boys and Girls Club. Councilor Sousa questioned why the Town would pledge \$120k for solar panels for a private developer when only \$25k was going towards paving. Mr. Shuford noted the Tiverton Wastewater District did not apply for funds this year, over the last several years they have received more than \$200k. Councilor Sousa was more concerned with paving and the Senior Center which could use a commercial kitchen. Administrator Wojcik explained the difficulty with the Senior Center is that it is in an illegible area. The TWWD needs to use the funds it has to sewer and pave roads, have asked for an update from them. The 2015 application went in early October of last year, just found out those requests for funds were denied, can resubmit and put those back in. T/A Wojcik noted the residents at Apple Creek and Sandywoods are low income housing. Councilor Sousa opined they get rent and energy subsidies. President deMedeiros opened the hearing for public comment. Stu Hardy, Planning Board Chair explained this will come before the Board at the next meeting, has to be consistent with the Comprehensive Plan. T/A Wojcik noted work was being done on Walnut Street. Director Berlucchi noted the qualifying district now includes Garden Heights, most of the North of Judson has been done for sewer, water and paving. T/A Wojcik noted Tiverton is not an entitlement community; most of this probably won't be approved. Last year the Town was only approved for \$25k. President deMedeiros closed the public hearing. President deMedeiros asked for comments from other Councilors. Councilor Chabot had concerns about this coming from HUD, puts the Town at risk, concerned for the public welfare of the taxpayers. Councilor Chabot was also concerned with proposed legislation regarding housing credits, will not vote for this. Councilor Pelletier questioned item number 12, set aside funds for housing rehab as it had no amount. Mr. Shuford explained the State has set aside funds, 25% of the \$5million block grant is for housing rehab; can apply throughout the year, it was recommended this be included in the application. T/A Wojcik added the Four Season mobile home park replaced the septic system with CDBG funds which was the largest chunk of last year's funds. The Town last year requested \$170k for sewer for the Senior Center and was denied. Mr. Shuford handed the Clerk copies of documents from HUD and answers to questions about Rhode Map RI. There is an entire procurement procedure, has to comply with RI Housing, get three bids, develop a contract, pay prevailing wage and monitor.

Councilor Pelletier motioned to Approve the CDBG 2016 Application as listed in B2. The motion, seconded by Councilor Perry passed on a vote of 5-2, Councilors Sousa and Chabot opposed.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:

There were no items for this topic on the agenda.

D-APPOINTMENTS & RESIGNATIONS:

Appointment and reappointment requests were moved up in the agenda.

Resignations

1. Joanne B. Donnelly – Arts Council

2. Jennifer Theroux – Library Board of Trustees

3. Richard Taylor – Zoning Board of Review – Effective May 5, 2016

President deMedeiros requested all three resignations be taken together.

Councilor Perry motioned to accept the Resignations as listed with regret and thanks for service to the Town. Councilor Sousa seconded the motion, Councilor Pelletier thanked them all very much for their excellent job. The motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Approval of Amendment to Purchase and Sales Agreement Dated June 9, 2015 for Tiverton Industrial Park Property as Distributed in Exhibit A (Amendment to P&S) Between Town of Tiverton & Longplex, LLC a.Original Purchase and Sale Agreement Dated June 9, 2015 b.Planning Board Recommendation Regarding Amendments to P&S of Parcel A & Parcel B

Cristina Offenberg, attorney for the applicant James Long explained at the last Council meeting the petition for road abandonment for a portion of Commerce Drive was approved under the condition it went to the Planning Board to create Parcels A&B and merge two lots. Tonight the applicant is requesting an Amendment to the Purchase and Sale (P&S) which added the creation of Parcel A, increased the purchase price by an additional \$20,000 and changed the name of the buyer to Longplex, LLC with James Long, Manager. The amended P&S also includes a conservation easement for the area previously known as Lot 804 and an access easement for Emergency purposes over Parcel A. President deMedeiros called for Council comment. Councilor Sousa received a request from a resident for Mr. Long to consider a dog park. Councilor Pelletier noted four instances in the document that say Purchase and Sale Agreement and not Sales Agreement. Councilor Pelletier questioned the ownership stake; Attorney Offenberg noted Mr. Long was 90% owner. Councilor Pelletier also questioned the amendment authorizing the Town Administrator sign the document; opined it should be the Council President. President deMedeiros in reviewing the document had the same question.

Solicitor DeSisto explained some clean up in the document is needed. Under 2B, for the emergency access easement the applicant will have to go back to the Planning Board; does not impede the ability to close. Because the applicant requested the amendment he will have to pay for the advertising invoice for \$1,228.50. Mr. Long was aware he had to go back before the Planning Board. Councilor Pelletier questioned, under the Original P&S, item number 19, letters a, b, c and d, all the buyers' commitments before closing if there were any conflicts with the revised land area or improvements to the sewer. Solicitor DeSisto explained c is superseded by 2b, the sewer repair would survive the closing. T/A Wojcik noted nothing has changed; it was all brought to the TWWD for review. Administrator Wojcik complimented Mr. Long on the long road to this point, may have to seek zoning relief and go back to the Planning Board. The Industrial Park abuts this property, may be developed at some point, cautioned Mr. Long not to be reliant on the Town Hall processes; hope to continue to work together as the Town has its own interests that it must preserve and protect. Councilor Chabot clarified a remark by the T/A that Mr. Long may have to seek zoning relief. Mr. Long expected to close at the beginning of May.

Councilor Pelletier motioned to Approve the Amendment to the Purchase and Sales Agreement subject to the modifications discussed and anything else the Solicitor scrubs. The motion, seconded by Councilor Chabot passed unanimously.

F-FINANCIAL BUSINESS:

1. Steve Berluca, DPW Director – Request Transfer of \$24,140.92 From Acct#5540-6795 (Drainage) to Acct#5540-6698 (Sand, Salt & Gravel)

Director Berluca explained three weeks ago there was a surprise snow storm followed by the freezing and thawing. Did not have any salt left in the shed and needed to purchase; can be used for next year.

Councilor Pelletier motioned to Approve the Transfer for \$24,140.92 from Acct#5540-6795 (Drainage) to Acct#5540-6698 (Sand, Salt & Gravel). The motion was seconded by Councilor passed on a vote of 6-0-1; Councilor Lambert abstained, not at Council table.

Director Berluca at this time requested permission to address the Council. Director Berluca explained he will be leaving service of the Town as of May 5 and wanted to take this time to thank this and past Councils who had been sitting for the past 8.5 years. Director Berluca also thanked all the Department Heads and their staff, all committee and commission board members and especially thanked the members of the Tiverton Garden Club who keep the Town clean. Director Berluca thanked the two local newspaper representatives who are here for every meeting, for their honest reporting and for any help they have given, appreciate their effort. Administrator Wojcik appreciated Director Berluca's comments, his handling of his budget and the hard working hands on individual he has been; appreciate his honest service.

2. Town Clerk – Ratification of Extension for Five Years of ACS Xerox Company Contract for Land Evidence, Probate Microfilming, Storage and Recording at No Increase in Cost and New Equipment

Town Clerk Mello explained the ACS program is used in the Clerk's office, every 5 years the equipment is replaced at no charge; looking to have the Council ratify the contract.

Councilor Perry motioned to Ratify the Extension for Five Years of ACS Xerox Company Contract for Land Evidence, Probate Microfilming, Storage and Recording at No Increase in Cost and New Equipment. Councilor Pelletier seconded, some questions followed. Councilor Perry questioned a dollar amount; Town Clerk Mello explained there is a cost per document, contract renewal for maps is \$7,500. The motion passed unanimously.

Councilor Perry questioned if the Clerk was catching up; Town Clerk Mello noted the computer goes back to 1969 for land evidence research.

3. Town Administrator – Request Transfer of \$10,800 From Acct#5540-5101 (DPW Personnel Services) to Acct#1060-6992 (Building Zoning Boarding of Buildings - Demolition)

Administrator Wojcik explained there is no account for demolish of a building, under Court order to do so. The property will have a lien against it in order to recapture the finances. Originally designated \$8,900 for the demolition but removal of equipment and three barrels of unknown substances brought up the price.

Councilor Perry motioned to Approve the Transfer \$10,800 From Acct#5540-5101 (DPW Personnel Services) to Acct#1060-6992 (Building Zoning Boarding of Buildings - Demolition). The motion, seconded by Councilor Pelletier passed on a vote of 6-1, Councilor Sousa opposed.

4. Town Administrator – Ratification of Fire Chief Robert Lloyd's 3 Year Contract – April 26, 2016 Through April 25, 2019 with Public Impact Summary

Administrator Wojcik noted this has been discussed in Executive Session.; Council did not have any questions.

Councilor Pelletier motioned to Ratify Fire Chief Robert Lloyd’s 3 Year Contract – April 26, 2016 Through April 25, 2019 with the attached documentation F4. The motion, seconded by Councilor Chabot passed on a vote of 6-1, Councilor Perry opposed.

Administrator Wojcik noted the Town was well served by its directors and leadership; was proud to recommend the renewal for 3 years, important to recognize the accomplishments over the last year relative to retention and overtime.

5. Distribution of FY 2016/17 Petitioner’s Alternate Budgets Proposals (2) and Petitioner Resolutions (2)

President deMedeiros explained the two alternate budgets were distributed, one was submitted by Justin Katz and one by Councilor Sousa. There will be a lot of discussion over the next few weeks, urged everyone to get copies to make the most informative vote. Councilor Lambert opined the discussion should be on the merits of the resolutions. Solicitor DeSisto noted under Section 1218 of the Town Charter, the use of Town resources to influence an election; this is for distribution only. Councilor Lambert cited the proposed resolution relative to selling the old library, questioned if the Council had the authority to sell the library. Read from sections 103 and 407 of the Town Charter, opined section 204 was an exception to section 407. If those sections are read carefully then no one has the right to direct the Council to sell a piece of property, not permitted under section 204. Councilor Lambert suggested both of these resolutions to sell property should be given a careful look through, wanted to make sure before these are passed through to the Financial Town Referendum (FTR). Solicitor DeSisto explained these proposed resolutions met the requirement to get to this point; are in order for distribution. Solicitor DeSisto will consider Councilor Lambert’s remarks with great weight.

Town Clerk Mello noted these have been qualified by the Board of Canvassers and are ready to go to the State for the ballot. It is not up to the Board of Canvassers to determine if they are legal or not. Councilor Pelletier questioned if there was an illegal or unenforceable resolution on the ballot what was the mechanism; does it get vetted in advance or does it have to go through the process. Solicitor DeSisto explained there was no mechanism in the Charter. The resolutions have met the criteria to get to this point. Councilor Chabot reminded this can be brought up at the FTR hearing, an appropriate venue.

6. Town Administrator – Request Approval of Transfers as listed:

<u>From Account</u>	<u>Account Description:</u>	<u>To Account:</u>	<u>Account Description:</u>	<u>Amount:</u>
2220-5268	ERSRI-Pension 1538	2220-5265	TIAA-CRef-1532	\$5,000.00
3310-5101	Fire Personnel Safety	1050-7191	Labor Counsel	\$6,203.00
1050-7159	Litigation	1050-7175	Legal Zoning	\$7,700.00
1150-5102	Staff Salary	1150-5100	Planning Salary	\$16,291.00
2190-7920	Town Bldgs/Liability Insur.	1150-5100	Planning Salary	\$11,050.00
3310-5101	Fire Personnel Safety	3310-5101	Fire Marshall	\$7,994.00
3330-5101	Police Personnel Safety	3330-5109	Police Health & Wellness	\$14,500.00
8830-5181	Rec-Seasonal Employees	8790-5181	Beach- Seasonal Emp	\$8,000.00
8830-5114	Recreation Director	8830-6629	Recreation – Trans, fees	\$2,899.00

President deMedeiros read the list of the Transfers as requested by the Town Administrator. Councilor Perry questioned the Police Pension Salary transfer, looking back at the budget for last year nothing was budgeted. T/A Wojcik explained the petitioner budget from last year had a mismatch; Health & Wellness still exists in the Police Department contract.

Councilor Perry motioned to Approve the Transfers as listed. The motion, seconded by Councilor Sousa passed unanimously.

G-NEW BUSINESS:

1.School Committee Request for Town Council to Submit Enabling Legislation for the Middle School and High School Bond to the General Assembly for Placement on the November Ballot

a.Approval of Town Council Resolution Authorizing The Issuance of Up to \$15,438,230 of Bonds for Funds for the Tiverton School Department

President deMedeiros called for discussion on this topic, hearing none called for a motion.

Councilor Perry motioned to Approve the Town Council Resolution Authorizing the Issuance of up to \$15,438,230 of Bonds for Funds for the Tiverton School Department. The motion, seconded by Councilor Lambert passed unanimously.

Approved Resolution attached at end of minutes.

2. Brian Janes, Co-Chair, Tiverton Open Space Commission – Request Authorization to Enter into Agreement to Sell Conservation Easement to RIDEM on 2910 Main Road

Brian Janes, Co-Chair of the Open Space Commission explained the request for authorization. Chairman Janes was looking for the Town Council to authorize the Administrator sign to convey an easement to RIDEM in exchange for the grant funds. A specific vote of the Council is required, it is a reimbursement grant. The Town has to purchase and then request reimbursement. Solicitor DeSisto basically explained the property won't be developed. Chairman Janes explained that is going to be the trail head and parking for that area.

Councilor Perry motioned to Approve to Authorize to Enter into an Agreement to Sell Conservation Easement to RIDEM on 2910 Main Road. The motion, seconded by Councilor P. Mello passed unanimously.

3. Chief Thomas Blakey – Request Approval to Advertise to Create a New List for the Position of Police Fire Dispatcher

Administrator Wojcik explained in the Chief's absence a vacancy is anticipated, need to create a new list.

Councilor Perry motioned to Approve the request to Advertise to Create a New List for the Position of Police Fire Dispatcher. The motion was seconded by Councilor Sousa, discussion followed. Councilor Pelletier recalled this position has been advertised some 6-8 times since he has been on the Council; suggested this be part of the discussion going forward on how to fill this position; concerned with the extraordinary turnover for this position. Councilor Chabot noted this request is for a full time dispatcher, in the past has been advertised for per diem. T/A Wojcik explained recruiting temporary help for this position at a low rate of pay was extremely difficult. The motion passed unanimously.

4. Town Administrator – Requesting Permission to Accept Rhode Island Foundation Grant re: Grinnell's Beach and Authorize Either the Council President or Town Administrator to Sign the Acceptance

Trish Hilton, Conservation Commission Chair addressed the Council, happy to report that the Grant Application from the Grinnell's Beach Improvement Committee (GBIC) to RI Foundation for \$14,970 (max allowable \$15K) was approved in total and granted to use for the beach project. Needs be sign and returned by May 4, 2016. Between the 2 grants approved the committee has received nearly 20k for improvements; hope to get some done before the beach opens. Requesting authorization to sign so the documents can be returned. President deMedeiros thanked Ms. Hilton for doing a lot of the work to get this done. For the record Councilor P. Mello wanted to know if Ms. Hilton wrote the grant application. Ms. Hilton affirmed she wrote most of it took some elements from the CRMC application and received some suggestions from Wenly Ferguson. Ms. Hilton explained the CRMC grant was primarily for plants, fencing and signage. The bulk of the RI Foundation grants were for sand, \$11k, gates for the entrance and back end of the beach, parking bumpers and rocks.

Councilor Perry motioned to Grant Permission to Accept Rhode Island Foundation Grant re: Grinnell's Beach and Authorize Either the Council President or Town Administrator to Sign the Acceptance. The motion

was seconded by Councilor Sousa for discussion. Councilor Sousa questioned how the work was going to be performed, was concerned the DPW equipment would be ruined and manpower. T/A Wojcik explained with a matter of certainty the Town would participate to match the in kind grant. These two grants don't require in kind but the \$400k grant will require \$80k and this can be counted toward that amount. Ms. Hilton has collected other match type commitments from Save the Bay which has arranged for the committee to use a DEM excavator, costs roughly \$1k per day. The committee will have access to it at no charge; other matches count as well like mosquito abatement and the DOT has offered to do the conduit and trenching as part of the Stone Bridge abatement project. The amount of time and work from the DPW will be limited. Director Berlucchi noted the DPW has a 16 ton steel body truck for the boulders, would never use one with an aluminum body. Councilor Sousa was concerned about using the manpower, was told it would not cost anything; DPW already overworked. The motion passed on a vote of 6-1, Councilor Sousa opposed.

5. Town Administrator – Request Ratification of Commitment to Lease Agreement with Crown Castle Regarding Cell Tower at 20 Industrial Way

Administrator Wojcik sought the services of a consultant with expertise to advise about cell towers. The Council approved the transfer of \$4k for this purpose; found the Town was in a strong economic position. For the life of the contract the Town will see an increase by \$67k. This is a highly lucrative contract, escalates at 3% per year, most are every five years. The Town gets 50% of the sublease revenue for everything on there they lease. Solicitor DeSisto noted it does not restrict the Town from entering into new leases; in response to a question by Councilor Sousa. T/A Wojcik explained this is for 6, five year extensions from the cell tower renter.

Councilor Perry motioned to Ratify the Lease Agreement with Crown Castle Cell Tower at 20 Industrial Way. The motion, seconded by Councilor Pelletier passed unanimously.

6. Stuart Hardy, Chair Planning Board – Acceptance of Short Extension of Richard Drive (Plat 112, Lot 268) Owned by Daniel B. and Elizabeth Rocha, 427 Fish Road as Recommendation of Planning Board

Councilor Pelletier recused, related to property owners on Richard Drive, left the Council table.

Stu Hardy, Planning Board Chair explained this is a short, 100ft extension off Warren Avenue, runs north/south, came as a result by a 2 lot subdivision that was granted a couple of years ago. The area has been inspected by Director Berlucchi and the consulting engineer, Deidre Paiva. The Planning Board had letters of recommendation from both of them and the as built plans that are required. If the Town Council accepts the extension the PB will be able to release the surety after expenses have been deducted.

Councilor Perry motioned to Accept a Short Extension of Richard Drive (Plat 112, Lot 268) Owned by Daniel B. and Elizabeth Rocha, 427 Fish Road as recommended by the Planning Board. The motion, seconded by Councilor P. Mello passed on a vote of 6-0-1, Councilor Pelletier abstained, not at Council table.

7. Councilor Perry – Request Updates for Next Council Agenda

a. General Auto Relative to Tank

b. Fire Department Overtime Relative to Fair Labor Standards Act Compliance

President deMedeiros requested Town Administrator Wojcik give the update. The attorney for General Auto asked to be included on the update discussion. Solicitor DeSisto reminded item was from Councilor Perry requesting an update for the next Council agenda; appropriate for Councilor Perry to state what should be included. President deMedeiros explained some new information has come to light; need to update the entire Council today. T/A Wojcik explained the Town has been looking into the topic of a septic tank as it was discussed by the owner at the last Council meeting. Asked the owner for an update, received an email they were working with DEM to resolve. According to the Waste Management Division there has never been a permit pulled for an underground hauling tank for septic of any kind going all the way back to 1985. Administrator Wojcik contacted the Office of Compliance and filed a complaint on behalf of the Town, asking for DEM to

inspect the facility and provide guidance to all involved and what may be next steps for remediation or closure on the part of the owner. Called the engineering firm hired by the owner to find out who he talked to at DEM; the engineer did not have a name right away. Councilor Perry questioned if DEM was coming down to check that tank. T/A Wojcik spoke to the supervisor of that division, hope it happens. President deMedeiros questioned the Solicitor as to whether the owner should be removing that tank since the Town does not know what was in it; opined a concern since don't know what was in the tank, how it was used and if there was any leakage. Solicitor DeSisto explained the tank was a separate issue from the Show Cause hearing. Solicitor DeSisto assumed since DEM was informed on an official basis some steps need to be taken. President deMedeiros noted at the last meeting the owner told the Council it was permitted; DEM has no record, is a concern. Councilor Sousa wished to hear the attorney for the owner speak on the matter.

Councilor Sousa motioned to let the attorney for the owner of General Auto speak to the Council. The motion was seconded by Councilor Chabot and passed on a vote of 4-3, Councilors Sousa, Lambert, Chabot and Pelletier in favor, Councilors Perry, P. Mello and deMedeiros opposed.

Attorney for General Auto opined it was important to understand this tank and the RIDEM regulations. There are two types of underground storage tanks regulated in RI. One is a UST tank typically used to store hazardous oils; the Waste Management Division handles that. The other type of storage tank is an OWTS, outside wastewater treatment system. This holding tank does not fall into either category, not regulated by RIDEM. The owner will be going through a septic service to close the tank. Trying to work with the Town and RIDEM, urged the Council to reconsider. Solicitor DeSisto did speak with an attorney at that firm, requested documentation but did not receive any. The attorney represented this was a holding tank, not regulated on RIDEM's list. President deMedeiros preferred to have that in writing from DEM. Councilor P. Mello opined it was illegal to have waste storage in an unpermitted tank. Councilor Perry requested this tank be followed all the way out. Had received some information from Westport Water District about finding fecal matter in their water.

Councilor Perry motioned to hear from Trish Hilton, Conservation Commission Chair regarding this matter. The motion, seconded by Councilor P. Mello passed on a vote of 6-1, Councilor Chabot opposed.

Ms. Hilton affirmed Councilor P. Mello was correct in that technically underground storage tanks are not permitted under the RIDEM regulations; not regulated, simply not permitted. All septage waste must be delivered to a licensed waste treatment facility. Supports the idea this be thoroughly investigated. It may involve the EPA as the water empties out into another jurisdiction. The Westport Watershed Alliance has been before the Conservation Commission with finding of fecal coliform readings as it empties into the Westport River. Could be malfunctioning cesspools. There is nothing that points one way or another to the source. Ms. Hilton talked to the clerk in the permitting office who said there has never been a legal program for licensing or permitting of underground or above ground storage of septic waste. Did ask about any grandfathering for permitting or any existence of pre-existing non-conforming licensing; answer was unequivocally no. Councilor Perry planned to put this on the next agenda.

9. Council President deMedeiros - Approval of Resolution Re-Instating the Grinnell's Beach Improvement Committee

President deMedeiros had talked to Ms. Hilton about re-instating this committee. All the people on the committee wish to continue so they can apply for the grants. Councilor P. Mello suggested the Town Planner should be writing this grant. Councilor Sousa disagreed was under the impression everything was going to be done by volunteers.

Councilor Perry motioned to Approve Re-Instating the Grinnell's Beach Improvement Committee. The motion was seconded by Councilor P. Mello. Councilor Perry agreed about the grant writing; however anyone on this committee can help with writing the grant. Councilor P. Mello, for the record, noted the Town Planner has

not written any of the grants. Administrator Wojcik will organize the group. The motion passed on a vote of 6-1, Councilor Sousa opposed.

Approved Resolution attached at end of minutes.

H-BIDS AND REQUESTS FOR PROPOSALS:

1.Town Clerk – Request Approval for Award of Bid for Municipal Court Software to Leading Edge Systems d/b/a Curia Systems, Inc. , Redmond , WA for \$14, 874.00

Town Clerk Mello has been working with the Municipal software program that is in place. It is an old database program, not connected to the State or eticketing. Trying to get this done for a number of years; checked with other communities, Curia has 19 of 27 Municipal Courts they service right now. Very low cost considering the other communities; will be additional training cost, may require a transfer of funds in the future. This was the only bid received, hoping to get this done before June 30 when the contract gets amended. The Council previously approved the use of \$7k from Contingency; may need to get a stand-alone computer.

Councilor Perry motioned to Approve the Award of Bid for Municipal Court Software to Leading Edge Systems d/b/a Curia Systems, Inc., Redmond, WA for \$14, 874.00. The motion, seconded by Councilor Sousa passed unanimously.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

The Town will be conducting an additional yard waste pickup from May 9 to May 13.

J-COUNCIL ANNOUNCEMENTS:

Councilor Perry announced the North Tiverton Water District is having a meeting on May 2 at 6:30 pm at 241 Hilton Street. Urged residents to attend to find out why water prices are increasing.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello reminded that tomorrow the polls are open 7am to 8pm for the Presidential Preference Primary. The three polls being used are: Countryview, VFW and Sandywoods. Call the Clerk's office at 625-6703 if you need to find out where to vote.

ADJOURNMENT:

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

Council adjourned at 10:05 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

TOWN COUNCIL - TOWN OF TIVERTON, RHODE ISLAND
RESOLUTION OF THE TOWN OF TIVERTON AUTHORIZING THE ISSUANCE OF UP TO \$15,438,230
OF BONDS FOR FUNDS FOR THE TIVERTON SCHOOL DEPARTMENT

RESOLUTION: TO THE GENERAL ASSEMBLY REQUESTING
AUTHORIZATION FOR ISSUANCE OF UP TO \$15,438,230 OF
FUNDS FOR THE TIVERTON SCHOOL DEPARTMENT

BE IT RESOLVED BY THE TOWN COUNCIL OF TIVERTON AS FOLLOWS:

WHEREAS: For the health, safety, and general welfare of students of the Tiverton Public School System, the School Department must replace the roof for Tiverton Middle School and Tiverton High School, and must replace the HVAC system in both schools; and

WHEREAS: The cost of these necessary repairs is \$15,438,230; and

WHEREAS: The Town of Tiverton will fund these repairs with a bond; and

WHEREAS: All municipal bonding requires express authorization of the General Assembly; and

WHEREAS: The Town of Tiverton will entirely comply with the bonding requirements of its Charter and all other legal requirements.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIVERTON, RHODE ISLAND AS FOLLOWS:

SECTION 1: The Town of Tiverton respectfully requests that the General Assembly pass legislation authorizing the Town of Tiverton to bond out for \$15,438,230 for the purpose of allowing the Tiverton School Department to replace the roof of the Tiverton Middle School and Tiverton High School and to replace the HVAC system in both schools.

SECTION 2: THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE BY THE TIVERTON TOWN COUNCIL.

Denise DeMedeiros, TOWN COUNCIL PRESIDENT

**Town of Tiverton Resolution Re-Instating
Grinnell' s Beach Improvement Committee**

WHEREAS, the Town of Tiverton considers among its many assets the former Seaside Gas Station located adjacent to Grinnell's Beach and the Stone Bridge Abutment; and

WHEREAS, a plan of action needs to be developed to address the future of the former Seaside Gas Station site, including but not limited to a vista, alternative restrooms, parking and lighting and their relation to current and ongoing improvements to the Stone Bridge Abutment and Grinnell's Beach area; and

WHEREAS, through research conducted by the Town of Tiverton Planner there appears to exist grant opportunities through the State of Rhode Island to assist in the preservation and/or repurposing of former Seaside Gas Station, Grinnell' s Beach and Stone Bridge Abutment.

IT IS HEREBY RESOLVED by the Town Council of Tiverton that the Grinnell' s Beach Improvement Committee is hereby re-instated and organized as follows:

1. Purpose

The purpose of the Committee shall be to provide expedited coordination among appropriate Boards and Commissions and Town Staff in the development of a master plan for the former Seaside Gas Station, Grinnell' s Beach and Stone Bridge Abutment and advise the Town Council as to any and all necessary steps for future re-use of the structure and land located at the former Seaside Gas Station site and adjacent parcels.

2. Membership

All members of the Committee shall be electors of the Town, unless serving ex-officio or as staff (including legal advisors or planning consultants) to the Committee. The membership of the Committee shall be composed of:

- A. The Town Planner
- B. The Chair (or designee) of the Planning Board
- C. The Chair (or designee) of the Conservation Commission
- D. The Chair (or designee) of the Harbor and Costal Waters Commission
- E. The Chair (or designee) of the Economic Development Committee
- F. The Chair (or designee) of the Recreation Commission
- G. Two Members of the Town Council, appointed by the Town Council (ex-officio)
- H. The Town Administrator (ex-officio)

4. The Committee shall report monthly to the Town Council, setting forth its achievements, projects and goals along with formal reports of recommendations, grant opportunities, and proposed plans for the site and adjacent parcels.

6. The Committee shall cease to exist upon the resolution of the Tiverton Town Council

Adopted by the Town Council on the 25 day of April, 2016. Nancy Mello, Town Clerk