

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Council Meeting on Monday, the 22nd day of June 2016 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

**MEMBERS PRESENT:**

Council President deMedeiros, Vice-President Chabot, Councilor Lambert, Councilor Mello, Councilor Pelletier, Councilor Perry (late arrival) and Councilor Sousa.

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

**Call To Order**

Council President deMedeiros called the meeting to order with a pledge of allegiance to the flag.

**1. Seaside Gas Station and Stone Bridge Abutment – Discussion on Construction, Project Engineering, Legal Arrangements, Funding Mechanisms and Project Administration/Oversight**

Councilor Pelletier has been leading the discussion about the Stone Bridge project and the funding. Administrator Wojcik explained Representative Edwards had received a letter dated June 13, 2016 from David Fish, Chief Engineer at RIDOT who is actively engaged on this issue. The letter provides a broad break down of the ledger, the source of funds and available funds. It does not attach value to three streams of expenditures the engineering contract with VHB, the purchase of Seaside Gas Station and the so called Aetna Bridge access project of 2011. At a meeting with Mr. Fish, VHB, the Town Planner, Town Treasurer and Solicitor Skwirz contract accountability was stressed. The Administrator asked for a breakdown of the cost and where it was scored. Deducted from the Stone Bridge project account was \$136,000 for the Aetna Bridge, \$260 for VHB engineering (since 2004), and billed \$203k against the fixed fee contract from 2004-05. Those funds were drawn against two sources of Federal funds, \$100 grant brought in by Governor Lincoln Chaffee that a State match of \$25k and \$368,973k from Congressman Patrick Kennedy. Those federal funds were used for the three purposes just outlined. The entire \$2.33 million is still available for this project.

The \$100k set aside for VHB will be able to be used for part of the building process any change orders will be absorbed by VHB. RIDOT will accept that \$100k towards the final construction plans. This is how RIDOT proposes to outlay those funds. Councilor Pelletier questioned if these numbers were reconciled with Town documents. The T/A handed out a timeline created by the Treasurer and in 2013 when Seaside Gas station was purchased and where the funds came from. Administrator Wojcik stated for the record he wanted RIDOT to be at this meeting; did not necessarily agree with their representation. The Kennedy earmark was obligated for the design and purchase of Seaside Gas. Councilor P. Mello requested two documents, the letter from Attorney Teitz regarding the \$200k for the gas station purchase and the letter from Congressman Cicilline regarding the \$99k for the repair job that was given back to the project. Councilor Pelletier, in his many documents found the letter from Attorney Teitz dated but did not recall the Cicilline letter. The letter was dated December 18, 2013. Councilor Pelletier noted it looked like there was a \$100k difference from the \$2.23 million. Councilor P. Mello questioned what happened to the rest of the Kennedy money. The T/A explained there was no record of what happened to it, guessed it was absorbed with the \$46,897; Councilor P. Mello requested the T/A contact Cicilline's office. The T/A referred to Mr. Fish's letter again, repeated the Federal funds available were the \$100k earmarked from Lincoln Chaffee, \$368,973 from the Kennedy earmark; if all obligated by the engineering contract, the purchase of the gas station and the south face repointing came over \$560k. The federal funds are in a RIDOT pass through account and the Town submits bills for reimbursement. The T/A believed this was an access grant funded and managed entirely by RIDOT that was charge to Stone Bridge. Councilor P. Mello questioned who gave them the authority was under the

impression the Council had to give approval to move forward. The T/A has searched and not found any authorization from the Council for these projects. The question posed by the T/A was how did the Aetna Bridge project get funded out of the Stone Bridge project without the authorization of the Town Council. Councilor Sousa questioned if a plan has been submitted to CRMC; T/A Wojcik noted not without Town Council authorization. Jack Madden, VHB engineer will discuss the plan. Councilor Sousa suggested moving forward; Councilor Pelletier was concerned if the Council has contract authority then how is this legal way of spending money. Town Treasurer Denise Saurette clarified, every dollar other than \$750, that the Town has spent has been reimbursed by RIDOT. Administrator Wojcik, regarding the purchase of Seaside Gas explained the Town Council at that time authorized the Solicitor and Interim Administrator to sign for and execute the sale of the gas station. The Council operated under the assumption the \$200k was there.

Jack Madden, VHB Engineering explained they have been on the project since 2004, money has been spent on design, list of alternatives were discussed. In March of 2016 VHB was given direction from the Town and after discussion with RIDOT to move forward with a design that could be permitted and built on a fast track. VHB developed different designs and presented them to the Council May 23; CRMC requested redesign regarding the vertical face wall and less fill. Mr. Madden showed a color map with Alternative 5, on the CRMC permit plan and 90% design. Councilor P. Mello questioned if the Town Planner as the project manager went to these meetings; should have a better plan. Mr. Madden explained most of what CRMC considers is the existing structure, trying to walk it back to the original footprint of the bridge. It will take about 6 months to review as this is a category B maintenance agreement and requires a full Council hearing with public notice. Councilor P. Mello noted this was the Town project, should have been notified of the meeting. It was not apparent to Councilor Pelletier who was coordinating this entire project; have been talking about this for a long time and no one has said rip rap was not a good idea.

VHB has extensive experience, were familiar with the Red Book, Federal and State regulations; was disappointed that VHB was not aware of the boundaries of the regulations. The plans had a significant amount of rip rap; anything more than 1 foot is considered new construction by CRMC. This was not Mr. Madden's area of expertise but explained if filling in the tidal zone have to get full approval for special exceptions. The fill is a strong case, CRMC considers the whole picture because it protects the basin and public recreation facility. The application is waiting to be submitted, coming back to 3 feet; the basic idea is the footprint of the bridge remains the same. The cantilevered sidewalk from the north wall will be removed; the stone facing at the top of the wall will be the same. The top 4 feet of the wall will be removed, sheeting will be driven 3 feet off the face of the wall and will allow concrete fill. Councilor Pelletier recalled it was stamped concrete or a composite material. Mr. Madden will show the plans that were delivered. The Administrator questioned what was involved in the long term maintenance of the structure for this design. Mr. Madden explained, above the water line it should be what happens in a marine environment, the steel sheeting has a life span, allows for the steel to degrade but maintain structural capacity. The steel should get 20 years of life and the concrete is capable of standing on its own. Talking about trimming concrete, will consider the options; did consider fiberglass or resin, not enough forces to withstand, recommend steel. Councilor Sousa could not see why rip rap could not be put on the entire north side, only going down as low as the piles. Mr. Madden explained that option was considered in Alternative 3, was presented to RIDOT who expressed concerns about driving sheeting inside the bridge; could have some obstructions.

Mr. Madden explained one of the issues with replacing the wall in kind is the structure will hold together during demolition; still using some of the existing wall and shoring up with sheeting and concrete fill. Borings have been done; don't know what will happen once it begins. Replacing in kind

would be \$2.5 million; talking about replacing the wall at half the height. Councilor Sousa suggested going back to the original plan in driving the piles in the middle of the bridge. Mr. Madden explained it was difficult to predict cost estimate, CRMC will approve a design based on the jurisdiction, the documents and the construction services. The Administrator was not comfortable making a recommendation at this point, suggested this project needs peer review and ought to have an engineering the Town trusts to review in detail, peer review cost estimate \$12k. The second recommendation is to go back to a committee structure, two Councilors, a couple of experts with the water and the Town Administrator. The Administrator suggested Councilor P. Mello, Councilor Pelletier, David Vannier member of the Harbor Commission and David Saurette who has construction experience. The wording should include Town Administrator or his designee. Councilor Lambert opined the peer review was an excellent idea; Councilor Pelletier noted the Council does not have final authority, RIDOT does, the Council is presented with a plan and will be approving the expenditures. Councilor Lambert wanted to know what they can expect for funding, type of materials and who would be responsible if it was over budget. Council President deMedeiros called for a motion to direct the T/A to obtain a peer review.

Councilor Perry made a motion to direct the Town Administrator to obtain peer review. The motion was seconded by Councilor Lambert, discussion followed. The Administrator will draw down against that project; will come back to the Council if needed. Councilor Pelletier wanted to know the scope of services and what they will be reviewing. Mr. Madden delivered plans two weeks ago, does have a full set. The T/A opined the committee just formed should decide the scope of work. The motion passed unanimously.

The Solicitor will draft a resolution for the next agenda for this committee. Mr. Madden had a summary of the process, at the March 18 meeting discussed with the Town and RIDOT the basic restoration of the bridge, the permitting process and the intent to submit the 90% design prior to CRMC approval. At an April 5 meeting with CRMC developed two alternatives and on May 6 submitted a 90% plan. On May 18 delivered a memo to the Council describing the six month time line and on May 23 delivered the 90% plan to the Council. Councilor P. Mello noted in May the Council had a question about the funding; President deMedeiros noted there was no motion to approve. The Council received an 8.5 x 11 wall section for the plan. The T/A reiterated it was a nice surprise to hear about the materials being used, the amount of money which is more than what was thought. Mr. Madden when queried, explained it was feasible to have construction in 2017, will take up to 6 months for CRMC permitting. Councilor Pelletier requested clarification on whether the money will be there after September 2016, getting these funds committed prior to a CRMC stamped permit. Councilor P. Mello wanted to confirm with the Administrator that the Council has the right to control the project. Councilor P. Mello also handed out a memo dated 4/18/15 from RIDOT to the Town Planner; wanted to make clear no one can change the project except on Council authority. The T/A explained this was who will manage the construction project of the bridge based on the information at that time. The important wording in that memo was the current agreement will need to be revised and it never was. Councilor Pelletier requested the contract with VHB, like to review it and see the deliverables and expectations. Councilor P. Mello repeated the request for the Andy Teitz memo regarding the \$204k.

**ADJOURNMENT:**

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

The special meeting adjourned at 9:15 p.m.

**A True Copy.**

**ATTEST:**

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Nancy L. Mello, Town Clerk