

**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 22nd day of August 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.

Approval of Consent Agenda:

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

Council President deMedeiros read the items on the Consent Agenda. Councilor Perry requested removal of item CA7, Budget and Revenue Reports for July 2016.

Councilor Lambert made a motion to Approve Accept the rest of the Consent Agenda. The motion, seconded by Councilor Perry passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A1-Approval of Minutes of Previous Meetings:

a. Approval of Regular Council Meeting Minutes of July 11, 2016

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

- a. Harbor & Coastal Waters Management Commission
- b. Cemetery Commission

A-3-Correspondence – Receive and File

a. Tiverton Parents as Teachers – Annual Year End Report by Theresia Joy, Program Coordinator

A-4-Approval of Tax Assessor’s Abatements

A-5-Narragansett Bay Wheelmen, Providence, RI – Request Permission to Hold Annual Bike Ride on Sunday, September 11, 2016 - Police Chief Recommendation

A-6-Marc R. Rousseau, Administrative Officer Activities Report for July 2016

A-8-RIDOT Letter Regarding Funding and Timing Associated with Old Stone Bridge Abutment Project

BUSINESS BROUGHT BEFORE THE COUNCIL

CA-7-Denise Saurette, Treasurer – Budget and Revenue Reports for July 2016

Councilor Perry questioned when the final Budget and Revenue reports will be available. Town Administrator Wojcik explained it should be in a couple of weeks; need to clear up the accounting entries.

Councilor Perry made a motion to Accept CA7, seconded by Councilor Sousa passed unanimously.

A-9- OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS:

Susan Anderson, as Chair of the Historic Preservation Advisory Board (HPAB) read an excerpt from the Will of Lydia B. Essex, dated December 28, 1935 regarding her real estate of 300 rods of land with a cottage on Highland Road. "Upon the death of her sister, Estelle W. Essex; I give, devise and bequeath said rest and residue including all my right, title and interest in the real estate on Highland Road in the Town of Tiverton in the State of Rhode Island, to the Town of Tiverton for the erection and equipment thereon of a library building as a memorial to my mother, Lydia Smith Baker Essex, and the building to be so marked or identified. It is my wish that a library building may be constructed of stone similar in design to Russell Library in the Town of Acushnet, Massachusetts. If at the time of my decease the personal property in my estate shall be insufficient to erect and equip a library building as above, then is it my wish and desire that the same may be allowed to accumulate until such time as said personal property with its accumulations shall be sufficient to erect and equip a library building as aforesaid and any balance shall be used for the maintenance of said library. This gift or devise to the Town of Tiverton is made upon the condition that the said Town of Tiverton shall accept the gift within one year after the decease of my said sister, Estelle W. Essex, or within one year after my decease if my sister shall predecease me, but said Town of Tiverton may elect to accept only the real estate without the personal property for a library in which event said real estate to be used for some public purpose other than the erection or maintenance of a police station or fire engine house. "Ms. Anderson opined this historic building was willed to the Town and should not be sold to a private entity. As Chair of the HPAB Ms. Anderson asked the Town Council to maintain the stone walls, copper roof and slate materials. Barbara Pelletier secretary of the HPAB noted this was not part of the Board discussion, that group did not vote on anything. Richard Angellini, VP Tiverton Historical Society explained this board has met and discussed the sale of Essex, have considerable experience with historical properties. This building is significant to Tiverton Heights, have a potential proposal to use this as a museum and outreach tourist meeting house. The THS will par for maintenance and upkeep of the building as long as the Town maintains the original agreement and keep this for a public purpose. Newport, Tiverton and Portsmouth played major roles in the American Revolution. The THS would be interested in this Town building, asked for consideration. Renee Jones, Highland Road, spoke about Essex as being a Tiverton landmark. The gazebo was built and maintained by Town residents, proposed an alternative of a citizen's committee that would work with the HPAB to get grants and keep as a public building. Ms. Jones opined keeping the Essex as a public building would honor the gift presented to the Town many years ago.

PUBLIC HEARINGS & PUBLIC PRESENTATIONS: PRESENTATIONS

Jennifer Regan, State Board of Elections – Presentation on New Election Equipment

Rob Rock, Director of Elections for Secretary of State Nellie Gorbea demonstrated the new election voting equipment. Director Rock thanked the Town Clerk and all the clerks in that office. New voting equipment was purchased this spring and will still be using paper ballots. These new ballots will have voters filling in an oval as opposed to connecting the head and tail of an arrow. In the past those voting a mail ballot had to use pencils; the new paper ballots allow for use of ball point pens, black or blue as opposed to the more expensive markers. This is the first time since 1998 that new voting equipment is being used. Director Rock demonstrated what happens with a good ballot and an over voted ballot. The results will be much quicker, sent right from the polling place to the Board of Elections; USB ports will also be brought to the Town Hall. There will still be space for write-ins at the General Election. Jeff Caron questioned under votes. Director Rock explained everyone has the right to not vote in a race or if they choose to vote a blank ballot. For the over voted ballots the voter will be asked to fill in all the ovals and that ballot will be voided and put into a separate envelope. That way no one will know how that ballot was voted and was not read by the machine. Council President deMedeiros thanked Director Rock for the demonstration and information.

B – PUBLIC HEARINGS:

Advertised Public Hearings

1. Town Administrator – Public Hearing Continued from August 9th - Approval of Proposed Amendments to Fees and Fines Resolution Regarding Building Inspection Fees

Administrator Wojcik was given an analysis late this afternoon, has not had time to review it, requested this be continued to the next regular meeting.

Councilor Sousa made a motion to continue the Public Hearing to September 12. Councilor Perry seconded the motion, some discussion followed. Councilor Perry questioned if an item could be brought back as the Town Clerk was not here; Town Clerk Mello explained it would have to be re-advertised. The motion passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED LICENSE

1. Ronald Falcon d/b/a Rte 177 Flea Market, 1560 Bulgarmarsh Road – Requesting Transfer of Licenses (Flea Market and Holiday) Subject to Conditions on Prior License

Mr. Falcon appeared before the Council on behalf of the Flea Market to request a transfer of the licenses. The Flea Market has new owners, same license restrictions will apply. Town Clerk Mello explained the license was restricted to the parking lot only; the restrictions were on the licenses, copies were in the Council packets. Solicitor DeSisto recommended this; rather than a new license. The same things including the current matter pending before the Zoning Board of Review carry on with this license. The applicants agree and will come back again once all the conditions are met.

Councilor Perry made a motion to Transfer the Licenses (Flea Market and Holiday) to Ronald Falcon d/b/a Rte 177 Flea Market, 1560 Bulgarmarsh Road. Councilor Sousa seconded, some discussion followed. Councilor Perry has toured the buildings, opined they did a fantastic job. Councilor Pelletier suggested cleaning up the language on the license. The applicant affirmed the license transfer was paid for. The motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

There were no items for this topic on the agenda.

E-UNFINISHED BUSINESS:

1. Councilor Joan Chabot – Amendment to the Town Council Governance Policy – Continued from August 9th Meeting

Councilor Chabot took the feedback from the last meeting and incorporated that into the proposed Amendment to the Town Council Governance Policy. Under item d, Executive Session it would read as follows: The order of the agenda of all regular and special meetings of the Town Council shall be such that any executive session (s) shall be the final item (s) on the agenda. In the event that special counsel, charging an hourly fee for such presence, is expected at any Council meeting, the Town Council shall break at 10:00 pm to conduct only the executive session business pertinent to the aforementioned counsel. In this event, the posted agenda shall explicitly indicate the necessity of such an event and the public will be verbally noticed at the beginning of the meeting that such a break will occur.

If a special meeting is scheduled exclusively for an executive session prior to a regular meeting, at the appointed time for the regular meeting, the special meeting must be promptly ended or be continued to after the regular meeting has concluded.

Councilor Lambert was concerned this only applied to special counsel, not other professionals or counsel for the applicant, and if continued to the end of the meetings there are more billable hours for the Town and the applicant. Suggested including language for all counsel or professionals who are representing the Town or the applicant. Councilor Pelletier suggested changing the wording from special counsel to any professional. Pelletier opined the third paragraph would stop the Council from putting special professionals at the beginning of the meeting. Councilor Lambert suggested the Town Solicitor redraft this section. Solicitor DeSisto suggested changing special counsel to any professional and that will cover the applicant as well. Councilor Chabot suggested changing the word counsel to any professional which is the last word, first sentence in paragraph two.

Councilor Chabot made a motion to Approve adding Section d, under Item 4 Meeting Agenda of the Town Council Governance Policy as identified in E1 and change for special counsel to any professional. The motion, seconded by Councilor Pelletier passed unanimously.

F-FINANCIAL BUSINESS:

1. Town Administrator – Requesting Direction Regarding Allocation of Proceeds from Sale of Land in Industrial Park

Administrator Wojcik explained last year at the FTR it was approved by a resolve to set aside no less than 25% of the proceeds from the sale of land in the Industrial Park to be used for the infrastructure. The sale of land to Jim Long for the sports complex yielded \$139,951. The T/A was looking for guidance on how much to set aside, recommended the full amount as engineers will be needed to resolve traffic concerns at the Fish Road intersection. Councilor Sousa and consulting engineer Deidre Paiva raised these concerns; would like a solution in place before the building is completed.

Councilor Lambert made a motion to Transfer the full sum from the sale of land in the Industrial Park to fund 600 for engineering and other technical services required in the infrastructure of the Park. The motion was seconded by Councilor Sousa, some discussion followed. The Administrator, responding to Councilor Pelletier on what would happen if the entire Park was sold, explained if there were any excess funds after the sale then it would go to the General Fund. Councilor Pelletier noted 25% would still have to be set aside; Councilor Sousa suggested that could be changed with a vote at the FTR. The motion passed unanimously.

G-NEW BUSINESS:

1. Chief Blakey – Request Authorization to Advertise for Position of Police Officer

Chief Blakey explained the list of 178 applicants has been exhausted. There were four candidates in the academy, two have since dropped out. Chief Blakey was anticipating officers who may leave and those who may retire and was looking to establish a list. There are three academies in the entire State and the classes are conducted by volunteers from the municipalities; it is a 20 week training session.

Councilor Pelletier made a motion to Approve the request to Advertise for Position of Police Officer. The motion, seconded by Councilor Perry passed unanimously.

2. Donna Cook – Requesting Update Regarding Plan to Sell the Old Library Building

Mrs. Cook informed the Clerk she would not be able to come to this meeting, Jeff Caron was going to speak to this issue for her. Mr. Caron read the resolution that passed at the FTR authorizing and instructing the Town Council to sell the Essex Library. Mr. Caron questioned what the process was to move forward with this. Mr. Caron commented regarding the Open Forum, agreed it was a beautiful building, opined the taxpayers and voters anticipated the building would be sold to offset the library bond; the building relinquished and turned into cash. Mr. Caron's position was the building should be put up for sale per mandate of the voters. Councilor Sousa agreed the building was beautiful but needs to be restored; the slate roof with copper valleys was painted with tar paint to temporarily fix the leaks, the masonry around the building is cracked and it is not handicap accessible. Councilor

Sousa estimated it would cost \$300k and wanted to see what the Historical Society proposed. Councilor Lambert supported the view of the previous speakers, cited two problems; one was the cy pres action taken in Superior Court which trumps any interpretation of the will and opined the vote taken at the FTR to instruct the Town Council to sell the building was illegal under the Charter. Councilor Lambert noted Councilor Sousa suggested not doing anything with the building in FY 2017; Councilor Lambert opined the Council has an obligation to request an appraisal of the value but may not be able to sell it. President deMedeiros affirmed with the Solicitor to wait to sell would be another vote; have to try to sell it.

Solicitor DeSisto did not file cy pres; filed a Declaratory Judgement action. The Court ruled in the Town's favor saying that it had good and marketable title to this property that it can be conveyed out. The contingent beneficiaries are corporations that still exist but did not want to pursue, no one has appealed it. If the contingent beneficiaries had not counted then it would drop down to the heirs at law. Solicitor DeSisto recalled there was a memo on this, will resend it. Councilor Pelletier cited a recent decision by the State to discontinue retiree health benefits, opined this was similar and also disrespectful. Solicitor DeSisto explained this was the disposition of Town owned property; the Solicitor opined a resolution at the FTR was a legislative act instituted by the voters. Solicitor DeSisto affirmed for Councilor Chabot that conditions could be put on the sale to be restored as an historical building. Councilor Pelletier questioned if the Council was going to commission an appraisal. Administrator Wojcik explained that would be an attempt to get a start on what might be fair market value. Councilor Pelletier noted the Nonquit School appraisal came in at \$900k. The T/A was looking to get a broker. Ms. Jones opined it was important for the Town to have a landmark building to the sense of who we are, need to look at all the alternatives. Mr. Angellini noted the THS was interested in this building but have not toured it; may not be able to restore it; opined the Town had a moral obligation to preserve as a public building. John Manchester, President of the Historical Society questioned what it was worth. Sally Black noted the old Ranger School was sold for \$25k and the Town received \$5k; hoped this could be worked out and still honor the resolution.

Councilor Perry made a motion to get a professional appraisal. The motion was seconded by Councilor Lambert some discussion followed. Councilor Sousa opined taking action now would be beneficial for that building. Mr. Caron wanted to clarify the Fair Market Value of the appraisal does not include stipulations, that it was a straight up appraisal. The motion passed on a vote of 6-1, Councilor Pelletier opposed.

3. Councilor Perry – Discussion and Possible Action Regarding Charter Section 1215 to Rewrite Code of Ordinances

Councilor Perry was looking for some direction regarding the next four agenda items. Councilor Perry did not recall the last time the Code was rewritten. Councilor Chabot recalled it was a couple of years ago; Town Clerk Mello explained the Zoning Code hasn't been rewritten since Donald Bollin was President. One portion is pending; agreed it did need to be cleaned up. Solicitor DeSisto suggested referring the Solicitor, who will give a report and compare with similar size communities as to how it's done and how much it will cost, can have for the second meeting in September and will include a zoning component.

Councilor Perry made a motion to have the Town Solicitor look at this and come back with findings and suggestions, review the process and come back with recommendations. The motion, seconded by Councilor Lambert passed unanimously.

4. Councilor Perry – Comprehensive Community Plan – Advice on Proper Process to Proceed

Councilor Perry questioned if the Comprehensive Community Plan (Comp Plan) was completed. The T/A explained the draft complement that addresses all the mandatory elements was complete. The Planning Board wanted feedback from various state agencies first; it was the call of the Planning Board (the Board) to send this document as one piece so it could be checked for integrity. The T/A estimated the document would come back some time in

October to the Board and they will discuss the edits. When that draft comes back then the Board can set a joint meeting with the Council. Solicitor DeSisto affirmed cited 45-22-8, preliminarily the construction of this lies solely with the Board. Once they are done, they are required to have a public hearing before passing it to the Town Council. The Council needs to have a public hearing before its enacted. The Board is allowed to send it to the State first, so rather than having it go up to the State and come back again, this will make the process faster. Once the Town Council approves it, with modifications or not it will be forwarded to the State. Stu Hardy, Chair of the Planning Board explained that Statewide Planning urged them to send the draft; would make the process quicker and smoother. The Board was prepared to take their recommendations and incorporate into the draft document and then have an informal workshop with the Town Council. Councilor Sousa objected to having the draft sent up to the State without having the Council look at it first. Solicitor DeSisto explained after communication is received from the State the Board has a public hearing then the Town Council has a public hearing and makes a vote. Councilor Perry noted the Council might not have agreed with what was sent up. Councilor Sousa wanted to have a discussion about the land use portion before that was sent up to the State. Councilor Perry opined this was a flawed process. Councilor Sousa requested a copy of the land use portion. Solicitor DeSisto affirmed the Council cannot put in policies or procedures on how this process flows.

5. Councilor Perry – Requesting Solicitor Opinion on Planning Board Duties and Responsibilities

Councilor Perry was looking for a clearer understanding of the Board policies and procedures. Councilor Perry has attended several meetings where it seems the Board is discussing things they shouldn't. Solicitor DeSisto explained the Board duties and responsibilities are provided in State law. Section 1001 of the Charter describes these duties and also says responsibilities as may be prescribed by the Town Council not in conflict with the State law. The State policy is zoning and planning boards operate in uniformity across the State. In a lawsuit in East Greenwich where Town Council eliminated the Board and was sued. The Supreme Court ruled this was a statutory body as set forth in State law. The Council appoints the Board but the duties are set forth in State law. Under 45-23-51 the Board adopts its own regulations and rules governing what it does related to land development and subdivision regulations. Under 45-22-7 the Board makes studies, plans and reports for the needs and resources of the community. Under 45-25 the Planning Board has authority over all land development projects. The local administrative officer reports to the Board. Councilor Lambert wanted a clear understanding of their responsibility, to get as much material as possible and to get direction from the Solicitor as to what the Board does. Solicitor DeSisto will draft a memo for the next meeting.

Chairman Hardy explained at the last meeting a request from Twin River regarding the casino, zoning and the Comp Plan was withdrawn. Upon advice of legal counsel allowed public comment on this topic even though the item was withdrawn. One speaker wanted the Board to come up with a social plan and the impact to the community. Chairman Hardy agreed with the Solicitor as to the Board being a legal entity; when they hear a major or new subdivision plan or comprehensive permit they are required to make findings at three stages-masters, preliminary and final process. Those findings are prescribed by the State; have to observe a time clock prescribed by the State. The Board sets surety and performance guarantees for projects to cover anticipated costs. There are design standards on paper tied to the Industrial Park and to the new zoning districts. They are not mandates but something the Board is trying to encourage to make a more attractive community. Environmental review standards for the two watershed overlay districts have to be approved by the Board. The Board needs to update frequently land use regulations to be consistent with State law. The Board also recommends zoning changes consistent with the Comp Plan. Chairman Hardy appreciated the support given by the Town Council and the Town Solicitor. Councilor Lambert added to his request, also wanted a clear understanding of the responsibilities and parameters of the Zoning Board of Review. Councilor Pelletier questioned if they were going to do the social plan; Chairman Hardy explained this was not the responsibility of the Board. Solicitor DeSisto agreed there is a provision in State law for this very thing, a certain amount of money is set aside for that purpose. The land use development regulations along with zoning, the Charter and State law are the governing documents for the Board. Solicitor DeSisto noted that does conform to State law, sets out what the applicant has to do the procedures and design standards. Chairman Hardy noted it was available online from Municode. Councilor Chabot does support the

Board's decision to send the Comp Plan to Statewide Planning for draft review as Statewide Planning was requesting the Board to do that before it would go through two public hearings and waste money. Councilor P. Mello agreed with Councilor Chabot.

Councilor Perry made a motion, seconded by Councilor Lambert to Direct the Town Solicitor to come back with the Duties and Responsibilities of the Planning Board and Zoning Board. The motion passed unanimously.

Item moved up in the agenda.

Councilor Perry made a motion to move up item G8, seconded by Councilor Sousa passed unanimously.

8. Town Administrator – Request Authorization to Share Cost of Paving Finish Coat on Bolduc Way

There are many streets that are operating as a public way and the Town Council has the discretion to extend services of any kind on a case by case basis at any time. The T/A recommended partnering with the residents as this cost between \$6,500 and 7,000. The Solicitor has researched the history of this road, comes down to when the Town was accepted and what the regulations were at that time. The Administrator noted it was not required for the road to be built to Town standards at this point in history. The Council has already approved snow plowing and other services for this street. The residents explained they paid \$20k to have the street paved, initially was a gravel road way. The road was graded and widened; two spill ways were added for drainage. Solicitor DeSisto explained this does not mean this road is accepted; it's not a private road but is not accepted. Councilor Lambert noted the reason the Town Council has not taken on unaccepted roads is that it does not have the money. Councilor Lambert opined it was embarrassing and a disgrace for the Town to have the residents pave their road.

Councilor Pelletier made a motion to Authorize to Share the Cost of Paving Finish Coat on Bolduc Way. The motion was seconded by Councilor Chabot; residents estimated the cost to be around \$7,000. The motion passed unanimously.

The residents noted it was Bolduc's Lane and not Bolduc's Way.

6. Councilor Perry – Charter Section 1205(a) – Discussion and Process for Election of Charter Review Commission

Councilor Perry wanted to get the discussion started, has talked to the Town Clerk about having the Charter review election with the budget referendum. Solicitor DeSisto explained the language in the State Constitution supports having it at the FTR. Town Clerk Mello has just started to look at the process of adding a Special Election with the FTR, will know more after the primary. Councilor Chabot affirmed with the Solicitor that it will be possible to have just the one poll open. The Town Clerk will provide a follow up for the September 26 agenda.

7. Town Administrator – Request Permission for Demolition of Seaside Gas Station Contingent on Grant – Approvals from CRMC and Septic Plan

Administrator Wojcik was requesting authorization to proceed with demolition if and when the Town receives the RIDEM Recreation Development grant and if the Council then votes to accept the grant. The process has to be very specific, like to have everything lined up; hoping to hear from RIDEM by the end of the month or early fall. This way it won't interfere with the Stone Bridge Abutment project, Bob Hoffman was very familiar with the Gas Station, he went through the entire building to do the asbestos abatement plan in order to file an assent with CRMC. At this point the Administrator was looking for Council authorization in order to line up all the resources needed to do this project. There was very little asbestos in the tile on the edge where the cinder block seals up. Councilor Pelletier requested even if the Town does not get the grant to have a contingency plan. The T/A will come back to the Council if necessary.

Councilor Perry made a motion to Grant Permission for Demolition of Seaside Gas Station Contingent on Grant – Approvals from CRMC and Septic Plan. The motion, seconded by Councilor Sousa passed unanimously.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Request Permission to Advertise and Award Bid for Purchase of one (1) Cable Type Catch Basin Cleaner, per FY 2017 Capital Budget

Administrator Wojcik explained there was really only one manufacturer for this item, advertising will be also for the equivalent. This was provided for in the FY 2017 capital budget. Councilor Perry had toured the DPW, suggested checking with other towns for used snow plow equipment, could be cheaper.

Councilor Perry made a motion to Grant Permission to Advertise and Award Bid for Purchase of One (1) Cable Type Catch Basin Cleaner, per FY 2017 Capital Budget. The motion seconded by Councilor Pelletier passed unanimously.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

Administrator Wojcik cited item A8, the Letter regarding Funding and Timing associated with Old Stone Bridge Abutment Project. This was permission to send the letter on behalf of the Town. The T/A brought attention to paragraph 4, second sentence: The more important concern is that VHB be required to complete all of the deliverables promised in their fixed price contract to the satisfaction of the Town. Change orders at this late date are not appropriate; some ten years into this project, we believe VHB must be held accountable under its design contract for all work products guaranteed under its terms and for which consideration has been paid. Further, at this time the subcommittee will not recommend acceptance of any project contract amendment giving project control over to RIDOT.

Administrator Wojcik will be having lengthy conversation in September regarding capital needs of the Town so that the expenditures budget can be worked on by December. Councilor Perry questioned if the new ambulance was in service. Chief Lloyd explained there were two broken down now, currently operating the new one with portables, has not been redressed. Of the four rescues it has gotten to the point of having to put an 11 year old rescue vehicle in the South end; currently there is no backup. Councilor Sousa questioned having problems with this manufacturer. Chief Lloyd explained it was not the manufacturer but having to keep using old equipment. Solicitor DeSisto cautioned on continuing this conversation could be a violation of the open meetings ac.

J-COUNCIL ANNOUNCEMENTS:

Councilor P. Mello wanted the Council to be aware of the Administrator's contract, paragraph 19, an extension of the employees the employer is to notify the employee in writing whether they will offer an extension. The current contract expires on February 24, 2017, would have a deadline to extend the contract on October 24, 2016. Solicitor DeSisto opined the process starts tomorrow, should send out a letter to the Administrator. Councilor Sousa noted the Council was now using tablets for the agenda, should reduce paper copies. Councilor Perry noted the oldest resident cane has been passed back to the Town; if anyone knows of any resident 100 years or older to contact the Town Clerk. Councilor Perry harkened back to last week regarding the Legacy vote thought it was the wrong thing. Councilor Lambert agreed, believe Council protocol should be to listen to anyone.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no items for this topic on the agenda.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello noted the Board of Canvassers meeting will take place on Tuesday at 7pm at the Town Hall for the lottery placement of local candidates for the November ballot.

CLOSED EXECUTIVE SESSION:

- 1. Brian Janes, Open Space – 42-46-5(a) (5) – Acquisition of Real Property**
- 2. Disposition of Publicly Held Property–IP - Emera Energy - 42-46-5(a) (5)**
- 3. Town Solicitor – 42-46-5(a) (2) – Potential Litigation**
- 4. Councilor Lambert – 42-46-5(a) (2) – Potential Litigation- Legal Opinion Relative to McInnis vs. Town of Tiverton**
- 5. Councilor Lambert – 42-46-5(a) (2) – Potential Litigation – Discussion and Possible Action Regarding McInnis vs. Town of Tiverton**
- 6. Town Solicitor – 42-46-5(a) (2) – Potential Litigation – Cemetery**

Councilor Lambert made a motion to enter into Closed Executive Session pursuant to 42-46-5(a) (5) re: Brian Janes, Open Space – Acquisition of Real Property. The motion was seconded by Councilor Chabot and passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (5) re: Disposition of Publicly Held Property–IP - Emera Energy. The motion was seconded by Councilor Chabot and passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (2) per Town Solicitor – Potential Litigation. The motion was seconded by Councilor Chabot and passed unanimously on a roll call vote.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Potential Litigation- Legal Opinion Relative to McInnis vs. Town of Tiverton. The motion was seconded by Councilor Chabot and passed on a roll call vote of 6-1, Councilor P. Mello opposed.

Councilor Lambert made a motion to stay in Closed Executive Session pursuant to 42-46-5(a) (2) re: Potential Litigation – Discussion and Possible Action Regarding McInnis vs. Town of Tiverton .The motion was seconded by Councilor Chabot and passed on a roll call vote of 6-1, Councilor P. Mello opposed.

Councilor Lambert made a motion to stay in Closed Executive Session re: Potential Litigation – Cemetery pursuant to 42-46-5(a) (2). The motion was seconded by Councilor Chabot and passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 9:50 p.m.

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

OPEN SESSION:

Item #1 Regarding Acquisition of Real Property.

Councilor Sousa motioned to approve the conservation easement pending legal review. Seconded by Councilor Chabot, motion carried unanimously.

Councilor Pelletier motioned seconded by Councilor Chabot to transfer the tax title subject to legal review. Motion passed unanimously.

Item #2 Regarding Emera Energy – no action taken

Item #3 Regarding Potential Litigation – no action taken

Item #4 Regarding Potential Litigation – Legal Opinion Relative to McInnis vs. Town of Tiverton

Councilor Pelletier motioned, seconded by Councilor Chabot to direct the Town Solicitor to prepare an RFP to hire Special Counsel regarding the McInnis matter. Motion passed 4 to 3. Councilor Mello, deMedeiros and Sousa opposed.

Item #5 Regarding Potential Litigation McInnis vs. Town of Tiverton – no action taken

Item #6 Regarding Potential Litigation Cemetery

Councilor Chabot motioned, seconded by Councilor Pelletier to direct the Solicitor to file a declaratory judgement. Motion passed unanimously.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Chabot; motion passed unanimously.

ADJOURNMENT:

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

Council adjourned at approximately 11:57 pm

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk