

**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 26th day of September 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.

**PROCLAMATION
“CONGRATULATIONS TO HORTENCIA (ESTER) AMARAL ONE HUNDRED YEARS OLD”**

President deMedeiros read the Proclamation congratulating Hortencia (Ester) Amaral on her One-Hundredth Birthday. The Council President presented Mrs. Amaral with a bouquet of flowers. Proclamation attached at end of minutes.

Approval of Consent Agenda:

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

Council President deMedeiros read the items on the Consent Agenda; there were no removals.

Councilor Perry made a motion to Approve the items on the Consent Agenda. The motion was seconded by Councilor Lambert and passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Special Council Meeting Minutes of August 1, 2016
- b. Approval of Regular Council Meeting Minutes of August 9, 2016
- c. Approval of Executive Session Minutes August 9, 2016

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

- a. Cemetery Commission
- b. Tiverton Prevention Coalition
- c. Personnel Board (5)

A-3-Correspondence – Receive and File

A-4-Approval of Tax Assessor’s Abatements

A-5-Marc Rousseau, Town Planner – Report of Activities for August 2016

A-6-Public Hearing (Public Comment Portion Closed) Regarding Approval of Proposed Amendments to Fees and Fines Resolution for Building Inspection Fees – Continued to October 11th

A-7- OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

Renee Jones thanked the volunteers from the Tiverton Garden Club for working on the plantings in the triangle patch near the highway. Barbara Pelletier suggested forming a relationship with Roger Williams College to help keep the Essex Library as a museum or living library.

BUSINESS BROUGHT BEFORE THE COUNCIL

PRESENTATIONS

1. Chief Robert Lloyd, EMA Director – Briefing on Drought Conditions – Backup to be Distributed at Presentation

Chief Lloyd, EMA Director, Bill Tavares, Deputy EMA Director and Trish Hilton, Chair of the Conservation Commission appeared before the Town Council to advise citizens of the drought conditions in the South end of town. The State has not declared a drought, put in a drought advisor for agriculture. The entire region is down 18 inches of rain; two major areas of concern are fire protection and the condition of private wells. Depending on the size of a fire an engine can carry 1,000 gallons, a tanker truck 2,500 gallon. There are 4 dry hydrants in the south end of town; all are unusable at this time; looking at all the alternative ways to get water into the tank trucks. To get water to the south end a truck will have to drive to Bulgarmarsh, Brayton or Crandall to fill up with water. Nonquit Pond is owned by the City of Newport Water Authority which is currently not drawing water. Normally carries 400 million gallons of water; it is down 105 million gallons. The water has dropped below the levels of the pipe themselves; lose the ability to draw water. There are urgent needs beyond fire protection; Nonquit is a surface retention reservoir. Several homeowners talked to Ms. Hilton about well water concerns. Chief Lloyd noted there is no record of who has a well in the south end of town; looking at shallow wells. The concern is a health issue; when wells run dry anything in the aquifer will fill back in. The owners need to know about the quality of the water.

Stone Bridge water is down 22” on water level; they should be able to maintain that as they have cross connections with Fall River and Portsmouth. Those on municipal water should be good. The Fire Chief has instituted, under the Charter an immediate town wide fire ban on all outdoor burning. The departments personnel are all aware of the need to call for help immediately as surrounding communities are finding the same conditions. The Chief wanted to bring community awareness to this as any fire could become a large scale fire. The EMA needs more information on private wells to help the owners get wells tested. The Chief plans to set up a website, need to get the State involved. Once a disaster is declared the Town is on its own for 72 hours, concerned about health issues people may not be aware of. Ms. Hilton explained the Conservation Commission put together a flyer on tips to conserve, how to find information about a well and showed a flyer URI provided. President deMedeiros suggested contacting the local reporters; Chief Lloyd will reach out to them and put something on the website. Town Administrator Wojcik noted typical annual average rainfall is 48.5”. Councilor Sousa suggested using the message board Police Chief Blakey has used on the side of the road. Councilor Sousa also suggested looking at using salt water. Chief Lloyd noted even if the truck is flushed the salt still does some damage will do what is necessary. President deMedeiros will put this on the agenda in October for an update. Councilor Perry suggested using the Code Red system; Chief Lloyd planned to do that to notify residents about the burning ban and water issue. Councilor Perry thanked the Chief, Mr. Tavares and Ms. Hilton for the hard work they put into this presentation.

B – PUBLIC HEARINGS: **Advertised Public Hearings**

1. Proposed Amendment to the Town Code of Ordinances to Add Chapter 79, Stone Wall Protection and Preservation

Solicitor DeSisto explained the suggestions from the Historic Preservation Advisory Board (HPAB) were incorporated; the stone wall has to be 100 years or older, 50 feet or longer and 2 feet or higher. The Building

Official would supervise and the HPAB with an advisory component. This conforms to State law, 11-41-32 and 45-2-39.1; other communities have enacted similar ordinances. Solicitor DeSisto noted this has more detail and more coverage over stone walls; typos were also corrected. President deMedeiros opened the hearing for comments from the public; asked Ms. Anderson if she wanted to comment at this time. Peter Moniz is an owner of a historic wall, opined this was adding government regulations on property owners. Mr. Moniz looked at the requirements, puts pressure and restrictions on property owners; suggested adding private roads in Section 79-3, some stone walls are on private roads. Solicitor DeSisto noted that was a good suggestion. Mr. Moniz suggested instead of the Building Official it should be the Planning Board to determine what can or can't be saved. Mr. Moniz suggested changing the wording in Section 79-3, d number 1, from construction method to construction configuration. The way stone walls were constructed years ago is not the same as today to put walls back together.

Councilor Pelletier affirmed with the Solicitor this applies to anyone who is removing a wall or replacing a historic stone wall. Solicitor DeSisto did not recommend removing construction method as that was the correct terminology and appropriate here. Mr. Moniz noted there was no means to appeal the decision of the HPAB; the Solicitor explained it would have to be appealed to the Court. Lori Roy, Main Road, had two stone walls that would be affected by this. Section 79-1 protects certain stone walls, leaves too much leeway. Ms. Roy was also concerned about private roads and the responsible to maintain. Ms. Roy pointed out many of the Town's historic stone walls have not been maintained. To get a mason or artisan would cost \$50 per linear square foot; concerned individuals will have to pay out a lot of money. Some stone walls to be repaired may need an engineer or site plan; part of this takes away home owners' rights to work around this. Ms. Roy suggested this needs to be more vetted; really infringes on the right of peoples land. Councilor Sousa had suggested giving tax credits as a way to help to repair walls. Ms. Roy agreed that would be great to have abatements however estimated it would cost \$10k to repair her wall. Councilor Lambert questioned would like to know if someone could tell them there really is an issue here that needs to be addressed. Stu Hardy explained the HPAB got interested in stone walls when Robert Thorsten an author lectured on this important historic resource; stone walls are visually attractive and important asset to the community. President deMedeiros called for comments from the public, hearing none closed the public comment portion.

Councilor Perry questioned if this would affect the Industrial Park and the stone walls there. The Solicitor affirmed that would have to go through the process. Councilor Perry did not see the need for this. Councilor Sousa noted this ordinance refers to public health; questioned how this affected it. Mr. Hardy cited the author Robert Thorsten in that they delineate wetlands and provide a buffer for environmental species. Councilor P. Mello questioned the difference between this and the State stone wall ordinance. Solicitor DeSisto RI Law 11-41-32, a criminal statute regarding the theft or destruction of stone walls; with this ordinance a procedure is outlined. Councilor P. Mello opined there was no difference between this and State law except this requires another process. Solicitor DeSisto noted this ordinance is allowed under State law and provides a procedure if something needs to be done to an historic stone wall. Solicitor DeSisto opined the state law does not address the property owner's right to repair; this ordinance is more geared to property owners that need to make repairs. President deMedeiros questioned if someone were to destroy or move an historic stone wall in the Park it would be a criminal act. Solicitor DeSisto affirmed that under State law it would; the basic purpose of this ordinance is to make sure the historic character of the wall is maintained. Councilor Sousa opined it would take time to get an architect, surveyor, permits and for the advisory board to inspect the wall. Solicitor DeSisto noted state law does not address repairing or alteration of a stone wall. Councilor Chabot had concerns with the definitions; this ordinance would be triggered by any repair, removal or alteration of any kind. This is so broad any time you move a rock it may infringe on the rights of the property owner. Councilor Chabot opined this was over reaching cost time may need engineers, surveyors or site plans. For any alteration need permitting is required; cited an example of a farmer who couldn't even move a rock without getting a permit. Councilor Chabot opined this infringes on property rights; can't agree with that and will be voting against this ordinance. Councilor Pelletier believed this was a worthwhile endeavor, puts a responsible mechanism in place.

Councilor Pelletier made a motion to Approve the Proposed Amendment to the Town Code of Ordinances to Add Chapter 79, Stone Wall Protection and Preservation subject to the edits and modifications. The motion was seconded by Councilor P. Mello and failed on a vote of 2-5, Councilors P. Mello and Pelletier in favor, Councilors Perry, Lambert, deMedeiros, Sousa and Chabot opposed.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED LICENSE

There were no items for this topic on the agenda.

D-APPOINTMENTS & RESIGNATIONS:

Appointments

1. Planning Board – One Vacancy Unexpired Term to 7/15/17

New Request – John F. Long, 178 Highland Road – Previously Interviewed

Councilor Perry made a motion to Appoint John F. Long to the Planning Board. Councilor Sousa seconded the motion, discussion followed. Councilor Pelletier talked about the turnover in the Planning Board, the technical analysis they do and the expertise connected to that Board. Councilor Pelletier opined this was a functioning Board, appreciate the application but really need some continuity. Councilor Lambert sometimes has concerns; however this realtor has some background and this is just for an unexpired term to July 2017. Councilor Chabot agreed with Councilor Pelletier, lost a lot of the bench on the Planning Board; had questioned this applicant if he had read the Charter, subdivision rules and regulations or attended meetings. The Planning Board is unique in that you need people with some skill sets. Councilor P. Mello agreed about the depletion of the Board; suggested Mr. Long applies for another board then come back in a year or two. Councilor Sousa did not agree, does not take long to get up to speed; Mr. Long came forward when no one else did. President deMedeiros expressed concerns about filling these boards with new people; would like someone with more building experience. Councilor Perry agreed with Councilor Lambert, it's really a six month trial period; Council does appoint some people with no expertise. The motion failed on a vote of 3-4, Councilors Sousa, Perry and Lambert in favor, Councilors P. Mello, deMedeiros, Chabot and Pelletier opposed.

Resignations

2. Anne Turcotte, 279 Hilton Street - Cemetery Commission

President deMedeiros called for a motion to accept the resignation of Ann Turcotte with great regret. Mrs. Turcotte has over 20 years on this commission and has done a fantastic job.

Councilor Chabot made a motion to Accept with Great Regret the Resignation of Anne Turcotte from the Cemetery Commission. The motion was seconded by Councilor Pelletier. Councilor Chabot read a statement acknowledging Ann as a valuable member of the Pocasset Hill Cemetery Commission. Councilor Chabot met Mrs. Turcotte 6 years ago when she became the liaison to the Cemetery Commission and as requested by Mrs. Turcotte called her Chairman of this committee. Councilor Chabot praised Mrs. Turcotte for the time, energy and expertise she brought to this board; a dedicated and caring person who was highly respected by those who knew her and worked with her- funeral directors, the Cemetery Commission, the Town Clerk's Office, Town Administrator's Office and the Town Treasurer. Councilor Chabot thanked Mrs. Turcotte for all of her efforts over these last 23 years; she is truly a special person and will be truly missed. The motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Councilor Pelletier – Distribution of Memorandum and Discussion Regarding Bluesphere

Councilor Pelletier put this memo together after a number of conversations with the Solicitor as some of these issues may come up in the future. The Town may be considering long term leases for other reasons; these leases have consequences so it's important going forward to have a structure laid out. Bluesphere missed the early auction in July and there is a new state law. In discussing the options need to look at various qualifiers and thresholds; with the Town owning the land there is the ability to tax, change the compensation structure or require certain performance guarantees in the lease or subject to some kind of closure if it does not pan out. Councilor Pelletier suggested something should be put in the lease that could prohibit them from building something else. Councilor Pelletier noted the 1 megawatt digester proposed by Bluesphere could turn into a 10 mw digester that would have much more truck traffic; need to think these things through with more granularities. Councilor Pelletier cited state laws, 44-5-3c and 44-3-9a, House bill 8354 and understanding the tax structure of them. Should these bills go away then the lease payment would be worth more; does deserve some consideration. The memo covered the risk profile of owning versus leasing; knowing what happens in advance if it fails is important. Councilor Pelletier noted the Solicitor had picked up on the assignment of the lease; and Council would have the power to block an assignment of the lease. Councilor Sousa assumed if the financing failed another bank would take over. Councilor Pelletier would be very surprised if a bank was involved with this; usually done with private equity or some other means. Administrator Wojcik explained project finance was a specific formal arrangement when selling energy. Councilor Pelletier noted according to the finance model the company would make their money back in four years; wanted the Town to position to deal with things like this. Councilor Chabot opined this was a good document for the next Council. Councilor Pelletier wanted to identify certain things and address them in a positive way. If they defaulted on the lease we kept the option payment, if the Town defaulted then they could sue; Solicitor DeSisto also picked up on this.

The T/A explained it was his fiduciary duty to bring these things before the Council; there was a source of value to this proposal. It involved paying for the sewer and would have been part of the agreement. President deMedeiros requested any of the Town officials to express their opinions on deals proposed to the Council. Solicitor DeSisto did not have a lot of time to review the agreement before the Council meeting, did request if a vote was taken that it be subject to Solicitor review. Solicitor DeSisto recalled there was some pressure because of the time frame involved. Councilor P. Mello put the onus on the Town Planner; believed he should have brought those concerns to the Council. Solicitor DeSisto noted this was an option agreement; Councilor Pelletier expressed concerns at the meeting about what would happen under this agreement, Solicitor DeSisto had similar concerns. President deMedeiros suggested a more thorough process for items like this for the future.

F-FINANCIAL BUSINESS:

1. Town Administrator – Request Approval of Transfer for Landfill Dozer Repairs

From Acct#5540-6648 (Repairs & Tires) to Acct#5530-7645 (Dozer Repairs) for \$11,631.65

Councilor Perry made a motion to Approve the Request of Transfer for Landfill Dozer Repairs From Acct#5540-6648 (Repairs & Tires) to Acct#5530-7645 (Dozer Repairs) for \$11,631.65. Councilor Sousa seconded the motion, some discussion followed. The T/A affirmed this was for the primary landfill dozer, the back plate is broken. There was conversation on whether these were the right tracks; manufacturer resolved as these were after-market tracks as an attempt to save money. The motion passed unanimously.

G-NEW BUSINESS:

1. Councilor Pelletier – Request to Reformat the Zoning Code and Subdivision Regulations into Stand-Alone Document

Councilor Pelletier addressed the Charter is not searchable. The Zoning Code and Planning Board subdivision regulations are not in a user friendly format. The Planning Board regulations are not found with the link to the online documents; should make this easier to use. Councilor Pelletier suggested checking with Clerkbase to see if they have a rich text format; also to print these documents is not easy, page breaks don't make sense. Town Clerk Mello explained Municode does the codification; it's their format; can contact to see if they can create stand-alone documents and to make the Charter searchable.

2. Recreation and Beach Commission

a.Request to Waive Permit Fee for Trunk or Treat

b.Request Approval for Annual Tree Lighting December 3rd

Councilor Perry made a motion to Approve the Request to Waive Permit Fee for Trunk or Treat. The motion was seconded by Councilor Sousa and passed unanimously.

Councilor Perry made a motion to Approve the Request for Annual Tree Lighting December 3rd. The motion was seconded by Councilor Sousa and passed unanimously.

3. Susan Anderson, Tiverton Historical Society – Request to Waive Fee for Special Event Held Sept. 24th

Ms. Anderson handed out copies of the Tiverton Historical Society Mission Statement which tries to promote an understanding of colonial life. Town Clerk Mello explained there is a \$25 charge for special events; Council has the ability to waive. Ms. Anderson did not agree with the fee, did note some vendors were selling goods and food. Councilor Pelletier read from Chapter 51 of the Town Code relating to public entertainment means a show or exhibition which is held indoors or out of doors. Councilor Sousa suggested the fee should be waived for all non-profits. Town Clerk Mello explained the food vendors have to be licensed with the State. Councilor Chabot suggested reviewing Chapter 51 as part of the Code ordinances review.

Councilor Sousa made a motion to Approve the Request to Waive Fee for Special Event held on September 24th. The motion was seconded by Councilor Pelletier and passed unanimously.

4. Councilor Chabot – Request Town Solicitor Provide Update on Historic Cemetery Tax Abatement Ordinance – Solicitor's Draft Ordinance

Solicitor DeSisto explained this ordinance is in a form that tracks the State law 23-18 for historic cemeteries; authorized by State law that any property owner if they have a historical cemetery per an application certified by the tax assessor can apply for a property tax exemption. It would require recording a restrictive covenant so that the historic cemetery retains the current size, shape and state. If there is a violation there is a fall back provision in here to allow the Town to collect taxes. Councilor Lambert questioned if the Solicitor had any idea of the size of the average tax abatement and if there was any provision to measure the amount involved. Solicitor DeSisto explained that would be up to the tax assessor to determine, essentially removing that portion of the property for the size of the cemetery plot. Councilor Lambert wanted to know how much this would cost the Town and how the assessment would be measured. Solicitor DeSisto suggested that could best be answered by the Tax Assessor; Councilor Lambert suggested having Mr. Robert come in and discuss what the proposed measure would be for making the tax abatement. Solicitor DeSisto noted this ordinance is based on State law and should not deviate as it tracks the law. Councilor Chabot noted on page 2, section B it states it shall be the duty of the Tiverton Historical Preservation Advisory Board to inspect the cemeteries. Councilor Chabot suggested that should be the Tiverton Historical Cemeteries Commission; Solicitor DeSisto agreed, that should be changed. Councilor Chabot requested them to review as well as Dave Robert.

Councilor Chabot made a motion to Refer this item to the Historical Cemeteries Commission and Tax Assessor Dave Robert for review. Councilor P. Mello seconded the motion, discussion followed. Councilor Sousa recalled when this first came up several meetings ago some examples were brought forth. Councilor Perry recalled a member of that commission presented the Council with a list of almost 120 Historic Cemeteries. Councilor Chabot noted that commission was very small; this ordinance gives incentive to property owners to take care of these cemeteries. Councilor Pelletier questioned the Solicitor as to whether this counts toward buildable area relative to zoning. Solicitor DeSisto explained there was a separate State law governing what can and can't be done around historic state cemeteries. The area of the historic cemetery does not count against the buildable area of the lot; the Zoning Board can consider that fact for a dimensional variance. Perpetual access is limited to family members and heirs at law. Motion passed unanimously.

5. Councilor Chabot – Review and Approve Draft Form of Solicitor Performance Evaluation

Councilor Chabot looked under the Charter to determine the elements and searched on the internet for evaluations; there is no contract online for the Solicitor. Councilor Pelletier requested the Town Clerk to email stand-alone copies to the Council. There were no recommendations for additions or changes. President deMedeiros requested getting this to the Town Clerk for the next meeting.

Councilor Perry made a motion to Approve the Draft Form of Solicitor Performance Evaluation. The motion was seconded by Councilor Chabot and passed unanimously.

6. Town Administrator – Discussion and Vote on Proposed Longplex Purchase and Sale Agreement for Parcel B

Administrator Wojcik explained this was included in the original purchase and sale agreement; there were certain things Mr. Long had to do and he did some time ago. After discussing this with the Solicitor believed this to be the course of action. Solicitor DeSisto explained the buyers attorney drafted this document; it is a basic purchase and sales agreement, sets out the specific terms and conditions with an amount to be paid, \$26, 400, time of closing and standards issues that go with a purchase that would include a good title. Councilor P. Mello questioned if this needed to go back to the Planning Board for review. The T/A explained Parcel B was across the access road, the lots to the east of the driveway. Mr. Long plans to put a permeable surface or a parking lot. Solicitor DeSisto affirmed as long as that was going to be used as a parking lot then Mr. Long did not have to go back before the Planning Board; otherwise he will have to.

Councilor Lambert so moved to Approve the Proposed Longplex Purchase and Sales Agreement for Parcel B. The motion was seconded by Councilor Sousa and passed unanimously.

7. Councilor deMedeiros – Award of DEM Grant for Grinnell's Beach and Possible Celebration

President deMedeiros publicly thanked Trish Hilton and her committee for a fabulous job on getting the \$393, 237 grant for Grinnell's Beach. The Council President discussed a possible celebration at the beach, was initially thinking about a bonfire; asked Chief Lloyd for an opinion. Chief Lloyd noted would have to say no to the bonfire. President deMedeiros was looking at October 15; Ms. Hilton suggested a little event with a grill and hot dogs, maybe a fundraiser as people have already volunteered to help. The Council President wanted to make the Council aware of these plans will put back on the October 11 agenda.

8. deMedeiros and Perry – Discussion and Possible Approval to Proceed with Code Rewrite

President deMedeiros noted some of this was discussed earlier; the Town Clerk does have some funds for the rewrite. Solicitor DeSisto has researched this for other communities, had some suggestions to set forth a process. Solicitor DeSisto noted in the Charter, Section 1215 calls for recodification every 5 years prepared under the supervision of the Solicitor. Solicitor DeSisto suggested the Town Code be removed from the Charter. The Solicitor cited West vs McDonald where the zoning code needs to conform to the Comprehensive Plan (Comp Plan) and then

to the zoning ordinance. The Solicitor suggested allowing the Comp Plan to be approved and then go to the zoning code. The first step would be to get a memorandum that sets forth what ordinances are obsolete, provisions not in conformance with State law, any conflicting provisions with the Town Code, suggested language changes for more modern uses and identify ordinance gaps and suggestions for changes. Step two would be to have staff recommendations on the ordinances, boards and commissions should be able to have recommendations on what they do. Once that is done then the whole package can come to the Council for review to determine which ones they want to support going forward. The Solicitor suggested doing the entire code, will take some time and a lot of work; will also have to determine the organization on how it's codified and electronic codification.

The first option would be to have the Solicitor supervise and work with the Town Clerk. The second option would be to get professional assistance; Municode has a service in that see what complies with State law, costs approximately \$18k. There are other professionals throughout the State, recommend an RFP, probably get responses in the \$20-25k range. There needs to a more broad approach to get everybody involved. Councilor Sousa suggested this would be something for the Budget Committee for the cost. Town Clerk Mello explained the Clerk's office has a technology account used to digitize the records; could use \$15k of those funds towards this project; Council contingency may also have to be used. Councilor Sousa was still looking for more money for the trash collection, believed this should be a budgeted item. Councilor P. Mello supported the Town Clerk's idea. Councilor Pelletier has experience with rewriting zoning codes, estimated it would take a couple of years and cost north of \$60k. Every single person has to be noticed, it's a very long process; this would be a good first step in the process. Solicitor DeSisto suggested for tonight if the Council wished to pursue a comprehensive recodification of the Town Code then direct the Solicitor to draft a memo to flesh out what was discussed tonight. This probably will not start until after November; can specify the cost and include the RFP.

Councilor Lambert made a motion, seconded by Councilor Chabot to direct the Solicitor to draft a memo to flesh out what was discussed tonight. This probably will not start until after November; can specify the cost and include the RFP. The Town Clerk added the Solicitor should put a quote as to his cost, some zoning issues have to codify before the Comp Plan like the Form Based Code chart. The motion passed on a vote of 6-1, Councilor Sousa opposed.

9. Town Administrator – Request for Authorization and Formal Directive to Discuss Contract Terms for Remaining Trash Collection Contract Period (Through June 2017) with Patriot Disposal

Administrator Wojcik explained the trash collection contract with Patriot Disposal runs out at the end of June in 2017. This would be the time to bargain for price concessions, cited the elimination of yard waste collections. Fuel is at a low cost, should be able to get some type of concession; looking for formal direction from the Council and will report back by the end of October.

Councilor Pelletier made a motion to Authorize the Town Administrator to go into discussions with Patriot Disposal concerning trash collection and the upcoming contract. The motion was seconded by Councilor Perry, some discussion followed. Councilor Perry noted there needs to be a discussion about what will happen in 6 months. Councilor Sousa personally had an issue with this company; they throw barrels and whip bins to the ground. The T/A noted the DPW Clerk has documented the complaints which individually could break the contract. Other communities dock a fee. The motion passed unanimously.

10. Town Administrator – Request for Authorization to Satisfy Consulting Expenses for Health Insurance Initiatives as Required by Prior Authorization

Administrator Wojcik noted this achieved considerable savings through negotiation for \$98k with an additional \$104k that will be saved once this group transitions over to Medicare Part B and other products by July 2017. This is coming from the Insurance line in the budget. Mr. Bucci will also be looking for additional savings at no extra charge. Mary Lou Sullivan, Administrative Assistant, was ably handling the anxious phone calls from the retirees. The T/A was grateful to the retirees who were experiencing a significant change in their health care insurance at

this time in their lives. The T/A noted the Town was paying the premium which the insurance then billed Medicare. There are two sides to this; trying to get the best coverage for the retirees while keeping the taxpayer in mind. Councilor Sousa complimented the Administrator, opined this type of thing will save the town money for years to come.

Councilor Perry made a motion to Approve the \$8,600 to be taken out of the savings. The motion was seconded by Councilor Chabot and passed on a vote of 6-1, Councilor Pelletier opposed.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Permission to Advertise Catch Basin Cleaning Services

Administrator Wojcik explained this will come from the Drainage budget; there are 1,810 catch basins in the Town, plan to have the worst 100 cleaned before winter. The catch basin cleaner will not be delivered to the Town for another three months.

Councilor Pelletier made a motion to Grant Permission to Advertise Catch Basin Cleaning Services. The motion was seconded by Councilor Chabot and passed unanimously.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

Administrator Wojcik announced the appraisal came back from the Essex Library gave copy to the Town Clerk for distribution to the Council. It is a public document, the value came back between \$260 to 285K; will be on the docket in the near future for Council consideration. The T/A has been approached by a vendor who recycles textiles and small appliances; pays \$20/ ton, will discuss this more at the next meeting. As part of a public service announcement the Town has received notice about the RI Bar Association Foreclosure Prevention Project so residents can get help. Brochures are available here at the Town Hall; people can contact RI Bar Association at (401) 421-7758. The T/A added his admiration for Ann Turcotte, for the record. Ann has frequently been at Town Hall, is a most extraordinary person for her commitment to the community and caring for the people. The T/A echoed the comments spoken earlier, thanked Ann for her service to the Town.

J-COUNCIL ANNOUNCEMENTS:

Councilor Sousa enjoyed Pardon Gray Day; they did a great job. Councilor Perry recognized the following Fire Fighters who responded to the fire at 15 Main Road, North Tiverton News: Captain Joseph Plocica, Lt. Joshua Ferreira, FF Brad Lynch, FF Craig Insana, FF Donald Clark, FF James Miranda, FF Brian Thompson, Lt. William Heon, FF Chris Sirr and off duty staff who responded Captain Bruce Reimels, FF John Wicks, FF Matthew McMahon and FF William Barrett. These people did an efficient job of getting this fire out before it spread. When Fall River came to help they were looking for a second floor ladder, the Town does not have one, needs to be looked at and discussed further. Councilor Perry thanked Chief Lloyd for a great job.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor items or announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

Town Clerk Mello announce the Town Clerk's Office will be closing at noon on Tuesday, October 11 for technology upgrades and training. The ACS system will be getting all new computers and printers at no cost to the Town. As a result of this the Clerk's office will not be able to do recordings and will reopen on Wednesday at 8:30 am.

CLOSED EXECUTIVE SESSION:

1. Town Solicitor – 42-46-5(a) (2) - Solicitor Litigation Summary Report

2. Town Administrator – 42-46-5(a) (2) – Four Corners Update

3. Town Administrator– 42-46-5(a) (1) – Personnel - Performance Evaluation Chief Blakey Notice Given

4. Town Administrator – 42-46-5(a) (2) – Collective Bargaining – AFSCME

5. Town Administrator – 42-46-5(a) (2) – Collective Bargaining – Teamsters- Distribution of Current Proposed Contract (Ongoing Negotiations)

Councilor Lambert made a motion to enter into Closed Executive Session pursuant to RI General Law 42-46-5(a) (2) re: Solicitor Litigation Summary Report. 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 RI General Law 42-46-5(a) (2) re: Four Corners Update. 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 RI General Law 42-46-5(a) (1) –re: Personnel - Performance Evaluation Chief Thomas Blakey Notice Given. 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 RI General Law 42-46-5(a) (2) re: Collective Bargaining – AFSCME. 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 RI General Law 42-46-5(a) (2) re: Collective Bargaining – Teamsters- Distribution of Current Proposed Contract (Ongoing Negotiations). The motion was seconded by Councilor Chabot and passed unanimously on a roll call vote.

The Council entered into Executive Session at approximately 10:38p.m.

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

OPEN SESSION:

Council President deMedeiros announced the T/A was instructed to take action in accordance with the discussion given in closed session in reference to Collective Bargaining – AFSCME.

No action was taken on any other item.

Councilor Pelletier motioned to seal the minutes of executive session. Seconded by Councilor Chabot. Motion passed unanimously.

ADJOURNMENT:

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

The meeting adjourned at 11:45 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk

**TOWN OF TIVERTON, RHODE ISLAND
TOWN COUNCIL
343 HIGHLAND ROAD**

PROCLAMATION

**“CONGRATULATIONS TO HORTENCIA (ESTER) AMARAL
ONE HUNDRED YEARS”**

WHEREAS: Hortencia (Ester) Amaral was born on September 25, 1916 and is one of five children raised in, Fall River, Massachusetts; and

WHEREAS: Hortencia Amaral resides at 80 Beardsworth Road, in Tiverton, Rhode, Island; and

WHEREAS: Hortencia Amaral was taken out of school at the age of 14 years to go to work to help support her family; and

WHEREAS: Hortencia Amaral has had an extensive and impressive work history that includes United Rayon, Maplewood Yarn Mills, Bourne Mill, Firestone, Gamma Leather, Raytheon, Lynn Sportswear, Frito-Lay and Center Garment; and

WHEREAS: Hortencia Amaral was married to Manuel Amaral at the age of 25 and shared 56 wonderful years together. They had one son Paul Amaral; and

WHEREAS: Hortencia Amaral is a member of Holy Ghost Church in Tiverton, Rhode Island; and

WHEREAS: Hortencia Amaral enjoyed dancing and traveling with her husband; and

WHEREAS: Hortencia Amaral has been an active member and volunteer at the Tiverton Senior Center since 2004; and

WHEREAS: Hortencia Amaral’s advice is “Get along with everyone, Be friends with everyone, and most of all Be Happy;” and

BE IT THEREFORE PROCLAIMED: That every official and citizen of the Town of Tiverton extends to Hortencia (Ester) Amaral and her family the very best wishes and blessed assurance for continued good health and peace; and congratulates Hortencia Amaral on her One-Hundredth Birthday, September 25, 2016.

TIVERTON TOWN COUNCIL:

Denise deMedeiros

President, Tiverton Town Council

September 26, 2016