

**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 24th day of October 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 - Absent
Joseph R. Sousa

Town Administrator, Matthew Wojcik and Town Solicitors 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.

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

Councilor Lambert made a motion to Approve the Consent Agenda. The motion was seconded by Councilors Sousa and passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

A-1-Approval of Minutes of Previous Meetings:

- a. Approval of Executive Session Minutes of August 22, 2016
Councilor Pelletier Abstained – Recused for Item #3-Potential Litigation
- b. Approval of Regular Council Meeting Minutes of October 11, 2016
- c. Approval of Executive Session Minutes October 11, 2016

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

- a. Cemetery Commission
- b. Harbor and Coastal Management Commission (2)
- c. Tiverton Prevention Coalition
- d. Zoning Board of Review (2)
- e. Planning Board of Appeals
- f. Building Code Board of Appeals

A-3-Correspondence – Receive and File:

- a. Samaritans of Rhode Island - Letter of Thanks to the Town Council
- b. Letter From International Brotherhood of Police Officers Regarding Collective Bargaining Agreement/Retirement Benefits

A-4-Marc Rousseau-Planning Board Administrative Officer Report of Activities for September 2016

A-5-Treasurer Denise Saurette – Budget and Revenue Reports for September 2016

A-6 - OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

No one signed up to speak at the Open Forum.

BUSINESS BROUGHT BEFORE THE COUNCIL
B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

There were no items for this topic on the agenda.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING:
NON ADVERTISED LICENSES

1. Glen Mello d/b/a Mystic Moon, 436 Main Road – Request for Holiday License

Mr. Mello explained this is in the plaza where Paquin's Insurance used to be; selling candles and spiritual items.

Councilor Lambert made a motion to Approve the request for Holiday License for Glen Mello d/b/a Mystic Moon, 436 Main Road. Seconded by Councilor Pelletier, motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

Appointments

1. Harbor Commission- Two Year Term to 10/15/2018 – One Vacancy

a. New Request – Paul Duarte, 17 South Avenue

Mr. Duarte is a member of the Coast Guard Auxiliary, a vessel safety examiner and a boating safety instructor. Mr. Duarte is interested in volunteering; believes he can help this commission. Councilor Sousa thanked Mr. Duarte for coming; Councilor Pelletier questioned the Town Clerk as to what vacancy as the Harbor Commission has some for specific interests. Councilor Pelletier noted with Mr. Duarte has a broad range of credentials, could fit anywhere. Town Clerk Nancy Mello will look at the list of the members on this commission. President deMedeiros called for a motion to waive Council policy and appoint at this meeting.

Councilor Lambert made a motion to Appoint Paul Duarte to the Harbor Commission for a two year term. The motion, seconded by Councilor Sousa passed unanimously.

Mr. Duarte's term will be corrected to 7/15/2018, term turnover date for the Harbor Commission.

2. Library Board of Trustees – Three Year Terms to 10/15/2019

(3) Vacancies and (1) Unexpired Term to 10/15/18

a. New Request - Geri Holewiak, 28 Holly Circle – Previously Interviewed

b. Re-Appointment Request – Barbara Donnelly, 64 Kenyon Road – Previously Interviewed

c. Re-Appointment Request - Gregory Jones, 161 Highland Road – Previously Interviewed

d. New Request – Pamela A. Poli, 1902 Crandall Road

Ms. Poli has lived in Tiverton for over 5 years, previously worked at the Library for 4 years. Ms. Poli has some ideas on how to help move the Library forward. President deMedeiros asked for the Council to waive the policy.

Councilor Sousa made a motion to Waive the appointment policy, seconded by Councilor Pelletier passed unanimously.

Councilor Lambert made a motion, seconded by Councilor Pelletier to Appoint the first three to the Library Board of Trustees. Councilor Lambert then noted one of the appointments will be for an unexpired term.

Councilor Lambert modified the motion, seconded by Councilor Pelletier to Appoint Geri Holewiak, Reappoint Barbara Donnelly, and Reappoint Gregory Jones, the first three named, to the Library Board of Trustees for a three year term to 10/15/2019 and to Appoint Pamela A. Poli to an Unexpired Term to 10/15/18. The motion passed unanimously.

3. Housing Authority – Five Year Term to 10/15/2021 – One Vacancy
a. New Request – Laura Rom, 27 Cornell Road – Previously Interviewed

Councilor Pelletier made a motion, seconded by Councilor Lambert to Appoint Laura Rom to the Housing Authority for a five year term to 10/15/2021. The motion passed unanimously.

Resignations

4. Library Board of Trustees - Leon W. Hoyer, MD – 27 Sloop Lane

President deMedeiros called for a motion to accept with regret and thanks. Dr. Hoyer was instrumental in the development of the new library, like to give appreciation for all he's done.

Councilor Pelletier made a motion, seconded by Councilor Chabot to Accept with Regret, Appreciation and Thanks for service, the Resignation of Leon W. Hoyer, MD from the Library Board of Trustees. The motion passed unanimously.

E-UNFINISHED BUSINESS:

1. Marc Plante, 69 Silver Beech Road – Noise Level at Rod and Gun Club – Referred to Police Chief

Chief Blakey did research in person; outdoor shooting ranges are limited to the hours 7am to 7pm, on Sundays from 10 am to dusk according to State Law. The Chief spoke to Mr. Plante, very little can be done; did measure with a sound meter but it's not a consistent noise. This is a pre-existing business, checked State Law, not much can be done. Mr. Plante did not imply the noise was being heard outside of those times.

2. Councilor Chabot – Proposed Historic Cemetery Tax Abatement Ordinance

a. Solicitor's Proposed Ordinance

b. Comments of Historic Cemetery Cemeteries Commission

c. Comments of Evelyn Wheeler Including Narragansett Ordinance

Councilor Chabot requested the two members of the Historic Cemeteries Commission (THCC) speak to the Council. That commission reviewed all the proposals and had provided written feedback. Jim Spears and Bob Martin, Co-Chairs of the Commission, agreed this is a useful ordinance. There are some 90 plus historic cemeteries, some over 100 years old that may sit on land the landowner may or may not own the cemetery. The definition of owner is owner of the parcel; the purpose of the ordinance is to carve out an exception for abatement. Mr. Martin noted there could be issues for access for right of way from the road to the cemetery. The Solicitor's proposal, under Section 74-88, Property tax exemption and application, has three steps. The first two are not bad but the third one where a restrictive covenant is required may not be straightforward; that could affect future sales. Some people may or may not want to maintain. The Narragansett ordinance did not contain a restrictive covenant. Mr. Spears explained the inspection would fall to the THCC to police on whether these are maintained. This mentions a standard but that is not defined; is something of a concern. Mr. Spears noted the April 15 date was not really relevant to the Town administration process. Mr. Spears summarized, in agreement with tax abatement for who owns the land where the cemetery resides; like the idea in principle but concerned about the impact on future landowners.

Tax Assessor, Dave Robert, explained the April 15 date was when any other exemptions have to be filed. The Solicitor can speak to the practicality; the Assessor was concerned about the annual renewal process, questioned who goes out to do the inspections and follows up on the maintenance. The proposed ordinance says the Historic Preservation Advisory Board so that needs to be change to THCC. The Assessor suggested changing the word "may" "report the board's findings to "shall" report that way it becomes part of an annual recertification. Solicitor DeSisto explained the Narragansett ordinance has a \$100 limit that is not in this proposed ordinance. Mr. Robert worked out some random sample numbers for the Administrator; some people may save \$10 per year on their taxes.

The amount of square footage for the cemetery is considered excess land, not a significant number of tax dollars. The way this is written the Tax Assessor would take out the square footage of the cemetery and someone will have to go out and measure that. Mr. Spears explained that has never been done; some of the newer properties may be known. President deMedeiros questioned who would do the measuring? Solicitor DeSisto noted the excellent points including the one about access; typically family cemeteries had a right of way as they had to cross a road to get to them. The Solicitor put the restrictive covenant as a way of keeping record of the cemeteries; however this is not absolutely positively needed but should be considered. The Solicitor referenced State Law 44-3-63 where exemptions are set forth, designed for a partial reimbursement of expenses including fences. There is no monetary value and no compensation other than for the property owner; does not realize a significant exemption. The Solicitor suggested this should be looked at as part of policy consideration.

Councilor Chabot noted it was mentioned there was no standard of maintenance described. Mr. Spears explained there was a big difference between the Pocasset Cemetery standard and just being rough requires frequent beating back of the brush; if the walls need work then that is a significant expense. Councilor Sousa suggested giving some tax credit if the owner presents bills showing the maintenance and repairs have been done. Mr. Robert was concerned about the enforcement of the standards and the amount of the credit. Mr. Spears noted that \$100 does not buy a lot of landscaping; Mr. Martin has not talked to Ms. Wheeler or gotten much feedback. Mr. Robert has contacted other Assessors, of those who responded 3 or 4 were being considered by Councils but only 1 had passed something. Mr. Robert noted every exemption is a shift to property owners. Dick Hart suggested changing the word "rural" in the first paragraph to "historic" and under definitions of an historic cemetery to include Pocasset, Hillside and Pleasant View. Mr. Spears noted of the 90 plus cemeteries that meet the definition of an historic cemetery; Hillside, Pocasset and Pleasant View are either run by separate associations or Town owned. Mr. Hart suggested cleaning up the Town's historic cemeteries first especially the one at Fort Barton and the one near the Police Station. Councilor Lambert questioned if the proposed ordinance addressed a real issue; opined the \$100 would not really address the issue. Mr. Martin suggested that cleaning them twice a year would help; Mr. Spears agreed that some 50-60 are not being maintained by anyone.

Councilor Pelletier commented that some people don't have ownership of the cemetery; Mr. Martin agreed, usually have to knock on the door to ask permission to go on the property. Councilor Chabot suggested by having an ordinance it give incentives to maintain and raises awareness of the need for volunteers. Councilor Sousa suggested the part about the restrictive covenant should be removed. Councilor Chabot preferred it to be streamlined like the one in Narragansett so it does not overburden the taxpayer. Councilor Chabot cited section 74-91, B, and the April 15 date, yet it becomes effective as of December 31 following the date of the filing. Mr. Robert explained the Veteran's and elderly exemptions have to be returned by March 15 and are applied to the current tax year. Mr. Robert explained if it was going to be applied to the current tax bill then it should be returned by March 15. Councilor Chabot agreed with the suggestions from the THCC and Mr. Hart; need some tweaks to the definition, remove the restrictive covenant, put in the changes recommended by Mr. Robert and put in a maintenance definition. Solicitor DeSisto questioned who would do the inspection; Councilor Chabot suggested the THCC. Mr. Martin noted they would make an attempt. Councilor Chabot would be happy if 10 people signed up, would mean the THCC would have that much less to do. Mr. Martin suggested the definition for maintenance should be clear and passable. Councilor Pelletier requested the Solicitor come back with a final draft; President deMedeiros noted that would be on the next available agenda. Councilor Chabot thanked the Co-Chairs, the Committee and Ms. Wheeler for reaching out to the Council.

3. Town Administrator - Tiverton Library Appraisal Update

Administrator Wojcik has not been able to get in touch with Peter Scotti but has a list of interested people. Councilor Sousa questioned if a broker has been hired; Administrator Wojcik responded no, at the last meeting the Council had several questions about the appraisal and were looking for answers. Councilor Sousa opined this was a

stall tactic; the building should be on the market. President deMedeiros noted this will be on the next available agenda.

4. Town Administrator – Update on DPW Site for Transfer Station

Administrator Wojcik explained the Recycling/Landfill Committee was meeting this Thursday at 6:30 pm to discuss the issues; will be talking with Ken Litchfield who works at the Landfill regarding the location of the road. This will be a temporary solution; the DPW lot should be cleaned to make better use of the existing space. Councilor Pelletier suggested having a site plan to better understand what this will look like.

5. Town Administrator – Possible Vote on Priority Street Paving List

Administrator Wojcik explained the list that was discussed at the last meeting has been prioritized based on that discussion. The T/A suggested finishing the small section of East King Road at the same time King Road is being done; this project is being done in three sections. The difficulty in doing one section is the challenge of the raised culverts; needs to be cold planed and restored to a level surface; doing East King at the same time is a more efficient use of resources. North Brayton can be done in June, Hancock Street and King Road should be done right away. The Council should honor the request to do Bolduc's Lane; there will not be enough funds left for Primrose/Bramble/Park Place. The T/A estimated \$24k for Cynthia Avenue, base coat only this year which leaves a 10% contingency. The streets shaded in gray would be placed on the Capital Improvements Projects list for next year. The T/A requested two votes; one to direct the Administrator to pave the roads and one to as part of the entire list. The Solicitor agreed this does require Council action. Councilor Sousa, referring to Cynthia Avenue, suggested adding a top coat over mud and dirt would only compound the problem; should have a dozer strip 8 inches off the top coat, should have a decent base. The T/A noted the DPW could do most of the work; this will not be a fully accepted Town street built to DPW standards. Councilor Sousa suggested getting manholes put in this year in order to prepare the street for next year; would like to see an engineer look at this road. Councilor P. Mello wanted to be on record, per the residents this was repaired in 2008; noted the residents would be happy with this. Councilor Chabot noted the Council had agreed with everything else on this list, suggested moving forward. Councilor P. Mello recalled the residents of Bolduc's Lane were going to pay half; the T/A explained they had an estimate from a private contractor. The Town could use the vendor who was awarded the bid; the \$3k is for a binder coat.

Councilor Chabot made a motion to Approve 1-9 except for Cynthia Avenue. The motion was seconded by Councilor Sousa and passed unanimously.

President deMedeiros called for discussion on Cynthia Avenue; questioned if the Council wanted to look into the drainage or just approve. The T/A noted it would cost about \$1,500 to have Steere Engineering look at the road, provided the Council approves could be brought forth for the spring. Councilor Chabot noted the estimate includes a grader rental and a binder course. Councilor Pelletier did not want to put something down that would cause a water run off problem; agreed with Councilor Sousa about spending some money for an engineer. The T/A summarized that the Council is directing him to get an engineer to review and report back to the Council to approved for Cynthia Avenue.

Councilor Chabot motioned to direct the Town Administrator to get an engineer to review and report back to the Council and to Approve the budget for Cynthia Avenue. The motion, seconded by Councilor Sousa passed unanimously.

6. Town Administrator – Authorization to Advertise for Senior Center Director

The Administrator has written a job description and vetted it with the Senior Center Director; will bring forward to the Council for final approval. President deMedeiros noted this would be tabled to the next available meeting.

7. Town Administrator – Authorization to Advertise for DPW Director

The T/A will bring forward a job description and advertising for final approval at the next available meeting.

F-FINANCIAL BUSINESS:

There were no items for this topic on the agenda.

G-NEW BUSINESS:

1. Councilor Pelletier – Discussion and Possible Vote - Governance Policy

Councilor Pelletier noted the changes that were discussed at previous meetings have been memorialized including the red line changes and those suggested by Councilor Chabot. Councilor Chabot noticed some typos; under 2b, Work Sessions of the Town Council. There should be a period after the word members in the second sentence and right after that the word no should be capitalized to start that sentence. On page 4 after the first sentence, there needs to be spacing to move down the letter g for the next topic.

Councilor Chabot made a motion to Accept the changes to the Town Council Governance Policy. The motion, seconded by Councilor Pelletier passed unanimously.

2. Ratification of AFSCME Contract (3) Year 7/1/16 to 6/30/19 Including Impact Statement

The Administrator explained this was a long negotiation; several people were involved in rewriting this contract. There is now a system in place for testing when employees bid for other jobs. Several other things have also been memorialized including Family Leave, removed sick time and vacation time so it does not accumulate while that is being used. Employees hired after 7/1/16 will not receive longevity pay; the medical plan deductible increases from \$2k to \$3k for single and from \$3k to \$6k for family plan. The salary raises over the three years are 2.75, 1.75 and 1.5%. It makes the most sense for the Town to enroll employees during the open enrollment period. Since the health benefits run from January 1 to December 1 the economic terms of this contract will start on January 1, 2017. The financial impact is \$110k over the three years of the contract. Councilor Sousa questioned the cost of health care, could go up sharply in the next couple of years. The T/A anticipated 8% for the last year of the contract. The Administrator requested the Council give authorization for Labor Counsel to make minor grammatical and non-material changes to the contract and then authorize the Council President to sign it. Councilor Pelletier noted his electronic packet did not have a copy of the red lined contract; Town Clerk Mello explained that it was received after the packet had been scanned. The Councilors were able to view the contract on Clerkbase; AFSCME members have not yet seen this contract.

Councilor Chabot made a motion to Ratify the AFSCME Contract of July 1, 2016 to June 30, 2019 and give Labor Counsel authorization to make grammatical or non-material changes or corrections. The motion, seconded by Councilor Sousa passed unanimously.

H-BIDS AND REQUESTS FOR PROPOSALS:

1. Town Administrator – Authorization to Award Bid Contract to Truax Corporation of Plainville, MA for Catch Basin Cleaning Services Not to Exceed \$5,750

The Administrator explained the catch basin cleaner the Town is waiting for won't be ready until spring, want to clean as many catch basins as possible before the bad weather. There are over 1,800 catch basins in Town, called three other municipalities who worked with this company.

Councilor Chabot made a motion to Approve the Award Bid Contract to Truax Corporation of Plainville, MA for Catch Basin Cleaning Services Not to Exceed \$5,750. The motion, seconded by Councilor P. Mello passed unanimously.

2. Solicitor DeSisto – Authorization to Advertise RFP for Code Rewrite

This topic was discussed at the last Council meeting; the Solicitor was requested to provide a draft RFP so this would be ready for budget season. Councilor Pelletier agreed this would be ready to put in place. Councilor Chabot noted if the Council wants this in the budget for January/February then this has to be advertised to get an idea of the cost. Councilor Pelletier suggested saying in the RFP that this will not be awarded until June following the fiscal year.

Councilor Pelletier made a motion to Authorize to Advertise RFP for Code Rewrite. The motion, seconded by Councilor Chabot passed unanimously.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:

The T/A announced on Saturday October 29 the Trunk or Treat event will take place at the Public Library from 5 to 7 pm; there will be at least 30 cars. The Flu Shot Clinic will take place on October 27 from 10-12 noon at the Fire Department, 85 Main Road.

J-COUNCIL ANNOUNCEMENTS:

Councilor Lambert requested, in the McInnis vs the Town copies of all documents submitted by subpoena or ordered to produce anything filed by Mr. McInnis or the Town and all documents in response to all matters. Councilor Lambert requested all copies to be produced be given to the Town Clerk. Solicitor DeSisto explained the Town Clerk has copies that were sent August 22. On August 12 the Solicitor sent the bulk to the Town Council via email and on October 5 for the T/A and for Councilor Lambert on September 16. Town Clerk Mello has the copies and the email will take a while to print. Councilor Pelletier provided an update, the Stone Bridge Committee met last week, waiting for the comment period from CRMC October 21, nearing construction design and final stages.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

There were no Solicitor items or announcements.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS

November 8th Presidential Election Polling Locations

Town Clerk Mello provided a list of all the polling locations for the November 8, 2016 General Election. Voting will take place at Pocasset, VFW, Countryview, Ranger School, Sandywoods Farm and the High School. The High School will have two polls located there as Amicable is being renovated. Call the Clerk’s office if you have any questions. Right now it’s the Emergency Mail Ballot Application for those who just found out they cannot make it to the polls on Election Day. Rhode Island does not have early voting but Emergency Ballots can be voted at the Town Hall.

Sally Black thanked all the Council, was proud to be the School Committee liaison. President deMedeiros noted this meeting was going to end before 9pm.

CLOSED EXECUTIVE SESSION:

There were no items for Closed Executive Session.

ADJOURNMENT:

Councilor Lambert motioned to adjourn, seconded by Councilor Chabot passed unanimously.

Council adjourned at approximately 8:55 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk