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 13th day of February 2017 A.D. at 7:00 p.m.

President Chabot opened the meeting with the Pledge of Allegiance to the Flag.

**Roll Call:**  
Joan B. Chabot - President  
John G. Edwards, V  
Denise M. deMedeiros – Vice President  
Patricia M. Hilton  
Randy J. Lebeau  
Joseph C. Perry, Jr.  
Christine E. Ryan

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.

President Chabot read the items on the Consent Agenda. Councilor Ryan requested removal of item CA1f, Council minutes 2/4/17. Councilor deMedeiros requested removal of items CA4, Overtime Reports and CA11, regarding Health Insurance. Councilor Chabot requested removal of CA13, from Barbara Pelletier regarding Lodging Taxes.

Councilor deMedeiros made a motion to Approve the rest of the Consent Agenda. The motion, seconded by Councilor Edwards passed unanimously.

The Consent Agenda was as follows:

**CONSENT AGENDA**

**A-1-Approval of Minutes of Previous Meetings:**

a. Approval of Regular Council Meeting Minutes of January 23, 2017     
   Councilor deMedeiros Abstains - Absent
b. Approval of Executive Session Minutes January 23, 2017     
   Councilor deMedeiros Abstains - Absent
c. Approval of Special Council Meeting Minutes of January 12, 2017     
   Councilor Hilton Abstains - Absent
d. Approval of Special Council Meeting Minutes of January 28, 2017

e. Approval of Special Council Meeting Minutes of January 30, 2017
d. Approval of Special Council Meeting Minutes of January 28, 2017
e. Approval of Special Council Meeting Minutes of January 30, 2017

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

a. Budget Committee (6)  
b. Recycling/Landfill Committee (2)  
c. Open Space and Land Preservation Commission (2)  
d. Planning Board Annual Report  
e. Cemetery Annual Report  
f. Cemetery Commission Minutes

**A-3-Correspondence – Receive and File:**

a. East Bay Community Action Program – Listing of Programs Provided  
b. Letters Received from Save Tiverton (3) Regarding Tiverton Twin River Casino Property
c. Little Compton (2) Proposed Zoning Ordinance Amendments
d. Westerly Town Council Resolution Opposing the Federal Railroad Administration’s Proposal for Alternative Route for Northeast Corridor

**A-5-Town Administrator – Distribution of January Department Reports**

**A-6-Planning Board Response to Referral of Zoning Amendment for Solar Energy Systems Submitted by Ferolbink Farms, Inc. – Planning Board to Address in March**

**A-7-Distribution of Roadway Improvement Agreement and Sub-Recipient Agreement Between RIDOT and Tiverton Relative to the Stafford Road Roundabout/Improvements for Action on February 27th Council Meeting**

**A-8-Scheduling of Public Hearing for Amendments to Comprehensive Community Plan by Twin River-Tiverton, LLC on March 13, 2017 with Planning Board Recommendation**

**A-9-Scheduling of Public Hearing for Zoning Ordinance Amendments by Twin River-Tiverton, LLC on March 13, 2017 with Planning Board Recommendation**

**A-10-Distribution of Planning Board Approved Bylaws**

**A-12-Approval of Tax Assessor Abatements**

**BUSINESS BROUGHT BEFORE THE COUNCIL**

**A-1-Approval of Minutes of Previous Meetings**

**f. Approval of Site Walk Visit to Longplex Minutes of February 4, 2017**

Councilor Ryan was at the Site Walk, requested credit for being there; Town Clerk Nancy Mello will amend those minutes. Councilor Hilton took notes as the Town Clerk did not attend the site walk.

Councilor deMedeiros made a motion to Approve the Minutes of February 4, 2017 as Amended. The motion, seconded by Councilor Edwards passed unanimously.

**A-4-Town Administrator - Police and Fire Overtime Reports for January**

Councilor deMedeiros questioned Fire Department Chief, Robert Lloyd regarding the 96 hours in overtime. Chief Lloyd just hired three more people, have a full staff; overtime reduction will be seen in the next report. Councilor deMedeiros questioned why grants were being listed with overtime. Town Administrator Wojcik responded as Police Chief Thomas Blakey was not in attendance. The T/A believed these were over and above the regular shifts will get some answers. The Councilor questioned CCO overtime; the T/A noted there were vacancies with the Dispatchers, just hired someone this week. Councilor deMedeiros wanted to know what the grants mean.

Councilor deMedeiros made a motion to Approve A4, Police and Fire Overtime Reports for January. The motion seconded by Councilor Edwards passed unanimously.

**A-11-Town Administrator Request for Special Meeting Regarding Health Insurance Competitive Quote Process During Week of February 20th**

Councilor deMedeiros noted the need for a meeting; Administrator Wojcik would like the meeting as soon as possible as the Trust would have to know by April 1. Councilor deMedeiros was concerned about not being part of the Trust. The T/A did not have a recommendation, should be a policy discussion; should have figures soon. President Chabot noted this will come under the Clerk’s item for a Special Meeting.

Councilor deMedeiros made a motion to Approve A11, Town Administrator Request for Special Meeting Regarding Health Insurance Competitive Quote Process During Week of February 20th. The motion, seconded by Councilor Edwards passed unanimously.
A-13-Barbara Pelletier, Liaison to Discover Newport – Request Approval of Resolution in Support of Maintaining Discover Newport Level of Lodging Taxes Generated

President Chabot noted more work needs to be done on this resolution will get cleaned up for the next Consent Agenda.

Councilor Chabot made a motion to Continue item A11 to the next meeting. The motion seconded by Councilor deMedeiros passed unanimously.

A - 14 - OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

No one signed up to speak at the Open Forum.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:


President Chabot noted there was no recommendation from the Fire Chief; questioned if there were water lines in the area. Attorney Jeff Meyer, representing the Fernandes Family, explained to the best of his knowledge there was no water line. The house had been put up for sale; it was found that the porch was encroaching on the street line. The house was constructed in the 1800’s; just asking for the minimum to extend the street line, 15x55. President noted the responses received; Town Clerk Mello noted a response from National Grid was received after the packet was distributed. National Grid is requiring the applicant to agree to an easement. Councilor deMedeiros noted the Tax Assessor, Dave Robert, requested if this gets approved that a survey by a licensed engineer be recorded. Attorney Meyer agreed that would need to be done for title purposes. Solicitor DeSisto noted an Administrative Subdivision would need to be approved by the Planning Board Administrative Officer or the Planning Board (PB) if it is referred to them. Attorney Meyer was planning to give National Grid an easement. Councilor Lebeau, referring to the plan, noted other properties should be given the same right. Solicitor DeSisto explained that was correct, under this petition the survey is only for this property; if the Council does approve it sets a precedent for the rest of the roadway. Attorney Meyer explained you would have to get everyone to do a survey, not everyone wants to pay to have a survey done. In some cases the mortgage would have to be amended if there is one; cannot just be done with everyone’s consent. Councilor Perry questioned if this was located between Sunderland Heights and Barker Heights. A member of the Fernandes family, speaking from the audience noted it was a part of Sunderland Heights. Councilor Hilton noted the road looked to be 14’ wide; questioned if Chief Lloyd from the Fire Department has reviewed. Chief Lloyd has not seen the plan, has reservations and needs more information. Councilor Edwards questioned if the portion of the abandoned road could be sold and not given away. Solicitor DeSisto explained under Section 24-6-1 of the RI General Laws that allows the Town to abandon a public roadway; the abandonment is not the consideration. Six communities have filed to get that consideration, Tiverton is not one of them. The Town would have to have that statute amended in order to have consideration from the transfer.

President Chabot opened the hearing for public comment. Rosemary Eva, Main Road, commented personally, noted this was discussed at a PB meeting, believed it to be a bad precedent. Ms. Eva had first-hand knowledge of a water line; questioned who owned Riverside Drive. Ms. Eva believed that it belonged to the State. Solicitor DeSisto noted the survey list the Town of Tiverton as the owner of Riverside Drive. Councilor Hilton noted the PB recognizes there may need to be a plan for the rest of the street. Councilor Hilton noted the road looked to be 14’ wide; questioned if Chief Lloyd from the Fire Department has reviewed. Chief Lloyd has not seen the plan, has reservations and needs more information. Councilor Edwards questioned if the portion of the abandoned road could be sold and not given away. Solicitor DeSisto explained under Section 24-6-1 of the RI General Laws that allows the Town to abandon a public roadway; the abandonment is not the consideration. Six communities have filed to get that consideration, Tiverton is not one of them. The Town would have to have that statute amended in order to have consideration from the transfer.

Roger Bennis suggested considering what was there first, the porch or the street as some older houses have that problem. It could be the street is in violation of the house. Mary Lou Racine just wanted to clear the title to sell the property. Attorney Meyer pointed out the survey labels this as part of Tiverton; some other areas may have a different designation. Councilor Lebeau, for the record, noted the precedent; if the Council does it for one then have to do it for everyone else. Councilor Ryan agreed, suggested this could be specific and said a certain way. Attorney
Meyer noted this is not the first time something like this has come before the Council; Councilor Perry questioned how that could happen. President Chabot noted could be several reasons; things change over time, different procedures. President Chabot called for comment from the public three more times, hearing none closed the public hearing.

Solicitor DeSisto looked at the street listing noted on March 17, 1909 the Town Council appropriated $3,000 to macadamize this street from Main Road to the railroad depot; another appropriation was made in 1910 for rip rap. It was abandoned by the Town in favor of the State; unclear as to what street portion the State owns. Solicitor DeSisto had two recommendations; the title search that was done should be submitted to the Council, conclusive for ownership and give the applicant time to locate any other utilities including a water line so a determination can be made. According to RI 24-6-1 the main thing for the Council to decide is whether this portion of the road has ceased to become useful to the public. Typically Police, Fire and DPW give recommendations on whether this portion can be abandoned and will not affect public safety. Need to determine title to the road, locate all utilities, and give the Chiefs and DPW time to assess the impact on public safety. President Chabot recapped; the applicant needs to provide the preliminary report of title. Attorney Meyer noted when doing a title search don’t normally search the street; Solicitor DeSisto requested whatever documentation Attorney Meyer had be forwarded to the Council; suggested looking at the street listing; was unclear to the Solicitor if there was additional action after 1909 as to the title of the street. President Chabot suggested being more specific as to what part of Riverside Drive, looks like this is north of the old railroad bridge. The Chiefs should also look at this from a precedent point as well while looking at this portion of the road. The petitioner is to provide a preliminary title report, locate all utilities, and need the Fire and Police Chief reports of their review for Riverside Drive north of the rail road bridge and other properties in that area.

Councilor deMedeiros made a motion to Continue this Petition with all the items mentioned by the Council President are received by the Town. The motion, seconded by Councilor Edwards passed unanimously.

C-TOWN COUNCIL SITTING AS BOARD OF LICENSING
NON ADVERTISED LICENSES
There were no items for this topic on the agenda.

D-APPOINTMENTS & RESIGNATIONS:
Appointments

1. Casino Sub-Committee – (3) Members of the Public
   a. Cameron Ramsay, 11 Watuppa Avenue- Previously Interviewed
   b. Harton S. Smith, M.D., 481 Neck Road
   c. Michael S. Burk, 67 Durfee Road – Previously Interviewed
   d. Jay J. Lambert, 85 Sunset Drive – Previously Interviewed
   e. Carolyn Wieman, 26 Ronnie Street – New Request
   f. Chris Roemlein, 73 High Hill Road – New Request

Councilor Lebeau noted the deadline for submitting an application was January 19; the two newest ones, e &f, were received after the deadline. Councilor Lebeau opined they should not be considered. Solicitor DeSisto requested this item be continued along with item E2 relative to the Subcommittee resolution which has a direct relation to this item. The Solicitor preferred this not be discussed tonight, better to deal with both of these matters when the Council has the Solicitor memo.

Councilor Perry made a motion to Continue items D1a-f to the next meeting. The motion, seconded by Councilor Hilton passed unanimously.
2. Harbor and Coastal Waters Management Commission – One Vacancy – Two Year Term
   a. Gregory Banner, 59 Winnisimet Drive
Mr. Banner, a retired Army officer has lived in Town for 5 years, currently works for the Federal government on emergency response. Mr. Banner has always volunteered, kayaks, sails and is a member of the Yacht Club. Councilor Lebeau thanked Mr. Banner for his service.

   Councilor Hilton made a motion to Appoint Gregory Banner to a Two Year Term to the Harbor Commission. Councilor Edwards seconded the motion; President Chabot questioned when the term expired. Town Clerk Mello will work out which unexpired term to give Mr. Banner. The motion passed unanimously.

3. Recreation Commission – (3) Vacancies – Unexpired Three Year Term - Expires 4/15/19
   a. Michael Tavares, 29 Frazier Lane
Mr. Tavares was a former volunteer for the Coast Guard Auxiliary; resident for the last six months.

   Councilor Perry made a motion to Appoint Michael Tavares to the Recreation Commission for a Three Year Term to expire 4/15/19. The motion, seconded by Councilor Edwards passed unanimously.

E-UNFINISHED BUSINESS:

1. Brett Pelletier, Chair Stone Bridge Abutment Ad Hoc Committee – Vote to Approve and Authorize Town Council President to Execute TCSP Amendment 4 with RIDOT
   a. Solicitor Memorandum Regarding Amendment to TCSP Agreement, Stone Bridge Abutment
David Vannier, Committee member appeared before the Council to answer questions as best he could as committee Chair Brett Pelletier was unable to attend this meeting. Mr. Vannier explained the reason was to de-federalize funds to make the bidding process quicker, make the funds more readily available. The government controls the funds, this way the State gets the money up front and then gets it to the Town. President Chabot noted that TCSP stands for Transportation Community & Systems Preservation Agreement. The agenda heading was corrected for the transposition of the first abbreviation. Councilor Edwards questioned some aspects of the agreement including cost overruns borne by the State and the role of the DPW Director running this project. The T/A explained some aspects of this project require engineering, cost upwards $130k. In this amendment the DPW Director is to oversee the construction site for Stormwater and soil erosion control as he already does this across Town; this is attempting to save money. The Town will have to pay for materials of the testing portion. This document has changed with the nature of the project; DOT cannot make it work to have an historical replacement as that is no longer a practical approach. The design has changed to steel piles with stone and flowable fill; less expensive and close to the projected budget. The assent has been approved by CRMC along with water quality testing by RIDEM. Lighting fixture feature has been included as part of the bid package as an added attachment; if there is enough money left in the budget then that will be part of the project. If this is approved this will be bid in the cold months and ready for construction this summer in conjunction with Grinnell’s Beach improvement. The T/A thanked the members of the committee, Mr. Vannier, Dave Saurette, Brett Pelletier and Peter Mello for all the hard work.

This is a time sensitive project, discussed with Mr. Pelletier the last design is in the bid package, VHB will write the specs, cost about $5,500. If the Council authorizes the Administrator or the Council President to sign, the T/A would also like a motion to direct VHB to finish the project to get ready to go out to bid. Councilor Edwards asked how much the DPW Director was going to be tasked with, citing Section 3B which had a listing of tasks. DPW Director Bill Anderson discussed this with Mr. Pelletier, cannot be there 100% of the time; can stop by daily and review bills. Councilor Edwards questioned if the T/A anticipated exceeding the budget; the Town cannot absorb cost overruns. The T/A explained RIDEM, the engineers and the committee believe this budget is manageable for the size and scope of this project. Mr. Vannier noted there is a contingency in the budget; the T/A added the contingency of 20% includes a 10% mobilization charge. President Chabot noted until the bid documents get
reviewed don’t know for sure if the project estimate falls into the budget. President Chabot explained the Council was voting on Amendment 4 of the TCSP agreement with RIDOT and the changes in the agreement. The next step would be to get the bid documents from VHB, remove the lighting estimate and put as an option. These bid docs come before the Council to get approved to advertise for bids. After the bids are received there is a recommendation from the Committee to come again before the Council. The Solicitor had provided a memo referencing the up to date accounting, addressing the minority business enterprises law, de-federalizing of funding and the option of the DPW Director; the Solicitor did not have a problem on the legal end because these have been addressed. Councilor Hilton notes the economic aspect of losing the abutment; there are plenty of safeguards and the contingency. The Committee has fought hard to get this money; DOT wants to see the agreement executed before anything changes. President Chabot noted at the January 30 Special Council meeting the Council was provided an accounting of all the expenses to date; have a good idea of what has been spent. Mr. Vannier reminded that allowing VHB to continue with the changes will cost about $5k against the project. The T/A requested that to be a separate motion.

Councilor Perry made a motion to Approve and Authorize the Town Council President to Execute TCSP Amendment 4 with RIDOT. The motion, seconded by Councilor Hilton passed unanimously.

Councilor Perry made a motion, as stated by the Council President, to Authorize VHB to put together Bid Documents for an amount not to exceed $5,500. The motion, seconded by Councilor Hilton passed unanimously.

President Chabot thanked the members of the Stone Bridge Abutment Ad Hoc Committee for all the hard work to get to this point; have made significant progress.

2. Jeff Caron and Nancy Driggs – Amendment(s) to the Town Council Resolution Adopted on December 12, 2016 Entitled Resolution Establishing A Sub-Committee to Address Issues of a Casino in Tiverton Continued From 1/23/17 Meeting

Councilor deMedeiros made a motion to continue this item to the next meeting. The motion, seconded by Councilor Edwards passed unanimously.

FINANCIAL BUSINESS:
1. Town Administrator – Request Town Council Authorization to Proceed with Lighting Retrofits to Town Hall, DPW Barn, Police Station and Fire Station #1

Administrator Wojcik explained Tiverton resident Eugene Giasson spoke at a recent Council meeting about retrofitting lighting in the Town Hall. Damien Lemoi, Energy Source appeared with Mr. Giasson to answer any questions. Councilor Lebeau questioned the Solicitor about having to recuse himself as Mr. Giasson provided lighting for Councilor Lebeau’s business a few years ago. The Solicitor questioned if Councilor Lebeau still had a business relationship with Mr. Giasson. Councilor Lebeau did not, the Solicitor opined Councilor Lebeau could participate for this item. The T/A explained National Grid have been working through Energy Source to provide retrofit lighting for municipal buildings. There is a master price agreement with this and 12 other firms and can be done in this case provided the value of each discreet project is under $50k. The cost of labor and material comes out of the grant; the rest is a finance purchase on the utility bill. Mr. Lemoi explained if the Town Hall was upgraded to LED lights they will have zero maintenance for 10-15 years, have a warranty that covers 100% of materials and labor. Mr. Lemoi explained National Grid sets the price, up to the vendor to propose the fixture. The Solicitor was researching about each building being a discreet project; cannot do that just to get under the limit.

Mr. Lemoi noted National Grid gives rebates and financing for each building. The bill would never be increased, but could be decreased. Mr. Vannier, a licensed electrician questioned if these were dimmable fixtures or had motion sensors or switches; believed the Council should be aware as it was something to think about. Councilor Hilton believed Mr. Vanier’s point was worth investigating, some lights may be brighter than others. Mr. Lemoi noted Providence, Warren, Cranston, Johnston and several other municipalities have participated in this program. President Chabot questioned what happened with the $5k grant from several months ago. The T/A explained that
has not been spent yet can move that around to other buildings. President Chabot noted the Senior Center was not on the list; the T/A explained that building has gone through the process several times. The T/A recommended Town Hall, DPW, Police Station and Fire Station #1 on East Road for the retrofit; does not have to be all four. Each project would have an individual contract; Solicitor DeSisto wanted to review the contracts and get clarification on whether it can be one or two. President Chabot suggested getting estimates for the Senior Center.

Councilor Chabot made a motion to have the Town Administrator get pricing for the Senior Center. The motion, seconded by Councilor Edwards passed unanimously.

Councilor Chabot made a motion to have Solicitor DeSisto review the contract information and continue this agenda item to the next Council meeting. The motion, seconded by Councilor deMedeiros passed unanimously.

2. Town Administrator – Authorization to Extend to Fiscal Year Ending June 30, 2017 Contract for Audit Services to Hague, Sahady & Co., P.C. Fall River, MA
Administrator Wojcik explained Hague Sahady has done the audit for the last three years; have done a good job in completing the audit and works well with the Treasurer. The Town, at its discretion, can extend the contract in one year increments. They have offered to do this at the same price, requesting authorization to extend the contract.

Councilor deMedeiros made a motion to Extend the Contract with Hague, Sahady & Co., to the next fiscal year ending June 30, 2017. The motion, seconded by Councilor Edwards passed unanimously.

3. Town Administrator – Approval of Budget Transfers to Trash Collection
a. From Acct#2140-5102 Treasurer/PT Position for $11,000
b. From Acct#3310-6648 Fire Dept. Minor Equip. Replacement for $5,000
c. From Acct#3310-6968 Fire Dept. Medical Physicals for $12,000
d. From Acct#3310-7840 Fire Dept. Station Maintenance for $5,000
e. From Acct#5540-6795 DPW Drainage for $17,000

Totaling $50,000 to Acct#5500-6457 Rubbish/Recycling Collection
The T/A noted the account number for Rubbish/Recycling should be 5500-6457, appeared on the agenda as 550-6457; corrected on these minutes. The T/A per the direction of the Council identified some accounts where funds could be transferred from to maintain trash collection. This is being done on month to month basis; Councilor Hilton questioned the transfer from the Drainage account. The T/A noted that account still has $23k will hold on to that until the very end; spent $5k so far. DPW Director Anderson noted the dozer repairs came out of this account; no drainage has been done for the last five months as there was no DPW Director. The T/A can prioritize other accounts and leave some for drainage. Paving is a waste of money if the roads don’t drain properly. Director Anderson noted the Wastewater District will be putting in new pipes, will work with them as they will pave the road from curb to curb. Councilor deMedeiros noted the Council and the T/A will be watching the accounts; suggested letting the T/A know if funds need to be transferred into that account. President Chabot noted there is a paving street list, let the T/A know before the end of the FY.

Councilor Hilton made a motion to Approve the Budget Transfers to Trash Collection as identified in agenda item F3. The motion, seconded by Councilor Edwards passed unanimously.

G-NEW BUSINESS:

1. Councilor Perry – Discussion of Adjournment Time for Council Meetings
Councilor Perry noted the lengthy meetings and the duress that comes with it; believed the Council should go by the Governance Policy dated 8/22/2016 with the 10:30 or 11:00 pm deadline. President Chabot identified section 3f, Time of Adjournment, of the Governance Policy limiting open session to 3.5 hours; clarified this was just for the
regular session. That section states shall endeavor to limit regular, open sessions to three and one-half hours. This is from the Governance Policy dated 8/22/2016.

Councillor Perry made a motion to Stay with the Governance Policy of 3.5 hours or 11:00 pm curfew for Council meetings for the open session dated 8/22/2016. The motion, seconded by Councillor Edwards passed on a vote of 6-1, Councillor Lebeau opposed, wants shorter meetings.

2. Councillor Perry – Discussion of Policy Regarding Salary Amounts for Newly Hired Dept Head Positions
Councillor Perry explained, a couple of meetings back, there was a new hire with a lot of discussion in public; believed that should have been done in private. Councillor Perry believed that it was unprofessional and not fair to the candidate; should have done that before hand. President Chabot added the Council approved the ad for the position which had the salary range. According to the Charter the T/A reviews and gives the candidate names to the Council. President Chabot was not sure if that was not the appropriate place for that to occur. Councillor Hilton agreed, pointed out when the ad was first proposed there was no discussion. Councillor Hilton suggested the hiring manager or T/A should point out to the Council if there is a range beyond the budget; at that point the Council should specifically authorize. It did not occur to the Councillor that was not conveyed in this budget. Councillor Hilton suggested the Council may need a policy. President Chabot deferred to the Solicitor; called that a good proposal to go with rules and regulations in the Governance Policy.

Councillor Perry made a motion to Direct the Town Solicitor to draft a policy regarding salary discussion of department head new hires. The motion, seconded by Councillor Edwards passed unanimously.

President Chabot suggested at least a two month time frame for the Solicitor.

H-BIDS AND REQUESTS FOR PROPOSALS:
1. Town Administrator–Request Council Award Bid to Lila Delman as Its Real Estate Agent Through June 30, 2017 and to Proceed Immediately to Advertise the Essex Library Property and Entertain Offers
The T/A explained the Town received two bids, from Lila Delman and Keller Williams (KW); both have the minimum experience required. Lila Delman is a premier player in the high end Newport market; the slightly higher commission will be well spent for the price and the process. Under the procurement ordinance the Council can approve the Administrator’s recommendation. Councillor Edwards disagreed with the recommendation; Lila Delman had only one listing in Tiverton relative to the other firm and the agent for KW is a Town resident who works in this market. Councillor Edwards was concerned how much time they will spend as they deal with properties well north of a million dollars; Essex is valued at $285k. Paul Tobak has been selling real estate since 1974 including luxury homes, vacant land and commercial in all aspects of the market; the firm has exposure to broad and international markets. Mr. Tobak will speak to those who have expressed an interest in the property first; the firm markets on the internet, advertises in the Providence Journal, Newport Daily News, Boston Globe and Wall Street Journal. Councillor Lebeau requested Mr. Tobak’s opinion if the appraisal estimate was too high or low. Mr. Tobak’s associate, George Tollefson noted this was an interesting property in that it is zoned R40, allows residential and more uses. The property has water view, central on Highland Road can be marketed broader; the T/A has a list of 12-14 people to give Mr. Tobak. The approach is the same for every property; try to get the word out to the broadest and deepest audience as possible. Mr. Tobak, in response to putting restrictions explained anything can have an effect; every offer will be reviewed in its entirety, still need to conform to the R40 zoning; if there are multiple offers will sit down with the Council to review the offers. Councillor Perry confirmed the Council has the final say; President Chabot called for a motion,

Councilor deMedeiros made a motion to Award the Bid for the Essex Library to Lila Delman as Its Real Estate Agent through June 30, 2017. The motion, seconded by Councillor Hilton passed on a vote of 4-3, Councillors Perry, Lebeau and Edwards opposed.
President Chabot questioned the Solicitor if the second part of the agenda request about proceeding to advertise the Essex Library property and entertain offers was appropriate at this time. The Solicitor explained it was up to the company to explore offers.

I-TOWN ADMINISTRATOR ANNOUNCEMENTS:
Referencing the audit contract extension the T/A did check with the School Department; they shared the same opinion of Hague Sahady. The Town has won a small grant for workplace safety at the DPW for a hazardous waste system. This was put in by Marcia Robitaille, who without a DPW Director for several months kept the department running; did a wonderful, selfless job and was thanked for her efforts.

J-COUNCIL ANNOUNCEMENTS:
Councilor deMedeiros cited a letter from Chief Blakey received with the For Your Information (FYI) packet; would like that to be put on the next meeting. President Chabot noted that will be discussed shortly under the scheduling of a special meeting. Councilor deMedeiros also requested an update on how the Charter Commission is going. President Chabot noted the special meeting will include the budget. Councilor Edwards recognized the DPW

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:
There were no Solicitor items for this agenda.

TOWN CLERK ITEMS AND ANNOUNCEMENTS
1. Scheduling of Special Meeting
President Chabot discussed scheduling a special meeting for the open budget items, revenue projections, health insurance and information from Police Chief on the recruits; final approval of budget and revenue is March 8. The meeting will have to take place at the library or senior center; Town Clerk will check availability for the library. The Planning Board is having a special meeting on Tuesday February 21; Solicitor DeSisto recommended the Council not attending as this will be coming to them at a later time. The consensus was for Tuesday, February 21 at 7:00 pm, will try to get the library.

CLOSED EXECUTIVE SESSION:
1. Councilor Chabot – 42-46-5(a) (2) - Litigation – Four Corners
   Code Enforcement Official – Notice Given

Councilor deMedeiros made a motion to go into Closed Executive Session under Councilor Edwards – 42-46-5(a) (2) - Litigation – Four Corners. The motion, seconded by Councilor Edwards pass unanimously on a roll call vote.

Councilor deMedeiros made a motion to go into Closed Executive Session under Solicitor – 42-46-5(a) (2) – Litigation – McLaughlin C.A. Nos: 1-16-cv-648. The motion, seconded by Councilor Edwards pass unanimously on a roll call vote.

Councilor deMedeiros made a motion to go into Closed Executive Session under Solicitor – Pending Litigation - 42-46-5(a) (2) – Tiverton v. Murray and Chadwick NC2016-0326. The motion, seconded by Councilor Edwards pass unanimously on a roll call vote.

Councilor deMedeiros made a motion to go into Closed Executive Session under Town Administrator -42-46-5(a) (1) – Personnel – Distribution of Performance Evaluation Town Planner Marc Rousseau – Notice Given. The motion, seconded by Councilor Edwards pass unanimously on a roll call vote.

The Council entered into Executive Session at approximately 9:40 p.m.

The Council returned to Open Session at approximately 11:00 p.m.

OPEN SESSION:

In open session Council President Chabot announced

Item #1 Regarding Litigation Four Corners – No action taken
Item #2 Regarding Litigation McLaughlin – No action taken

Item #3 Regarding Pending Litigation – Tiverton v. Murray and Chadwick. Councilor Edwards motioned, seconded by Councilor Perry to direct the Town Solicitor to act in accordance with direction given in executive session. Motion passed unanimously.

Items # 3 and #4 Regarding Distribution of Performance Evaluation for Code Enforcement Official and Town Planner – No action taken.

Councilor Lebeau motioned to seal the minutes of executive session. Councilor Edwards seconded. Motion passed unanimously.

ADJOURNMENT:

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

The meeting adjourned at approximately 11:05 p.m.

A True Copy.

ATTEST: _______________________________
Nancy L. Mello, Town Clerk