

# **TIVERTON TOWN COUNCIL AGENDA**

**Regular Meeting: Monday, February 28, 2011 at 7:00 p.m.**

**NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.**

**DATE POSTED: 02-24-2011**

## **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **2. ROLL CALL**

**Jay Lambert-President David M. Nelson**

**Cecil E. Leonard-Vice President Brett N. Pelletier**

**Joan B. Chabot Edward Roderick**

**Robert D. Coulter**

## **3. APPROVAL OF CONSENT AGENDA**

**All items listed with a (CA) are to be considered routine by the Town Council and will 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, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.**

**4. A. BUSINESS BROUGHT BEFORE THE COUNCIL**

**Tiverton Garden Club –Proclamation - “Tiverton Clean Up Week”-  
April 16 to April 24, 2011**

**CONSENT AGENDA:**

**(C.A.) 1. a. Approval of Minutes from Regular Council Meeting  
January 24, 2011**

**Councilor Roderick abstained - absent**

**b. Approval of Executive Session Minutes from Council Meeting  
January 24, 2011**

**Councilor Roderick abstained - absent**

**c. Approval of Executive Session Minutes from Council Meeting  
February 14, 2011**

**d. Approval of Regular Council Meeting Minutes from January  
10, 2011**

**(C.A.) 2. Receipt of Minutes from the Following Boards,  
Commissions**

**a. Tiverton Prevention Coalition**

**b. Budget Committee (2)**

**c. Economic Development Commission**

**d. Pocasset Cemetery Commission**

**e. Unapproved Historic Cemeteries Committee**

**f. Personnel Board**

**g. Harbor & Coastal Waters Management Commission Revised Feb  
15, 2011Minutes**

## **h. Open space and Land Preservation Commission**

### **(C.A.) 3. Correspondence – Receive and File**

**a. Received From City of Newport Office of the Mayor Inviting Participation in Festivities and St.**

**Patrick's Day Parade**

**b. Received From Mr. Barry Buckman, Tiverton, Nova Scotia Regarding Possibility of Gathering**

**of the Four Tiverton Communities**

**c. Received From Town of Charlestown – Resolution in Support of Extended Producer**

**Responsibility**

**d. Received From Mr. Anthony Kelly Regarding Townspeople Input on Tax cap Proposal**

**e. Received From Coastal Resources Management Council – Public Notice Regarding Application**

**of Michael Mills, 129 Nanaquaket Road – Posted on Bulletin**

**Board**

**(C.A.) 4. Distribution of Reports of Planning Board by Administrative Officer Kate Michaud**

**a. Activities of Planning Board for January 2011**

**b. Planning Board Activities – Status Update**

**(C.A.) 5. Tax Assessor David Robert**

**a. Discussion on Webpage Updating and Design – Continued to March 14**

**b. Seeking Town Council Direction for Tax Exemption Committee-  
Continued to March 14**

**(C.A.) 6. Jane Bitto, Singing Out Against Hunger - Requests Public  
Hearing on March 28, 2011 for**

**Sound Variance for Outdoor Musical Fundraiser on  
September 15, 16, 17 and 18th**

**(C.A.) 7. Lisa Machado, Coastal Roasters - Requests Public Hearing  
on March 28, 2011 for**

**Sound Variance for Outdoor Musical Fundraiser on  
September 15, 16, 17 and 18th**

**(C.A.) 8. Peter Moniz, Proposed Amendment to Town Charter  
Regarding Appointing Position of Town**

**Treasurer – Continued to March 14**

**(C.A.) 9. Councilor Leonard – Request the Town Administrator  
Present a Status Report to the Council**

**Relative to Work Being Done, Including Possible Wind  
Turbine Installation, to Create a**

**Comprehensive Development Plan for the Industrial Park  
With the Support of the Newport Chamber**

**of Commerce – Continued to March 14 for Administrator  
Report**

**(C.A.) 10. Councilor Leonard – Reactivate Street Committee – Update Membership- Continued to March 14**

**\ B –PUBLIC HEARING**

**1. Councilor Nelson – Proposed Ordinance Amendment to Chapter 74 “Taxation”, Article I – “In General” of the Town Code For a Local Limit on Property Tax Increases**

**a. Memo From Town Solicitor as to Form of Ordinance**

**. C- BOARD OF LICENSING COMMISSIONERS**

**1. Request Approval of Peddler’s License – Alex Arteaga, d/b/a Palagi’s Ice Cream, Co.**

**Subject to Meeting All Legal Requirements**

**2. M.C. & Sons Excavating LLC, 300 Hurst Lane – Request Approval of Street Excavator License-Late Annual Renewal – Subject to Meeting All Legal Requirements**

**3. Countryview Estates LLC – Continued From November 22, 2010  
Manufactured Home Elderly Community License**

**a. Request for renewal of license to May 23, 2011**

**4. Damian Assoc, LLC in Receivership, 691 Brayton Road – Application for License to Quarry/Remove Gravel-Continued From November 29 and Dec 13 for Planning Board and Zoning**

**Recommendations- Further Continued to February 28, 2011 - Request by Attorney Russo to Further Continue to April 25, 2011**

**D - APPOINTMENTS & RESIGNATIONS:**

**1. Appointment to Board of Canvassers by Council President From List Submitted**

**By Republican Town Committee**

**2. Appointment of Administrative Officer With Recommendation of Planning Board**

**a. Request for Appointment by Kate Michaud**

**E - UNFINISHED BUSINESS:**

**1. Councilor Coulter – Adoption of Policy Governing Conduct and Other Internal Governance of Town**

**Council and Governance of Town Council Meetings-Continued from February 14th Meeting**

**2. Tiverton Library Board of Trustees – Request Council Approval to Engage a Bond Counsel to Prepare Authorizing Legislation That Would Allow a Referendum in November 2011 Concerning the Issuance of a Bond Up to \$7 Million for Construction of a New Library –Cost to be Borne by Library**

**3. Fall River Five Cents Savings Bank– Continued From January 24, 2011**

## **Request Release of Surety and Acceptance of Roads in Beech Tree Hill Major Subdivision**

### **a. Town Solicitor Letter to Property Owners in Beech Tree Hills Subdivision**

#### **F – FINANCIAL BUSINESS:**

##### **1. Town Administrator, Chief Lloyd- Request to Transfer Funds**

**a. \$15,000.00 from Acct. #331-106 (Longevity) to Acct. #331-102 (Overtime)**

**b. \$ 5,000.00 from Acct. #331-105 (Holidays) to Acct. #331-102 (Overtime)**

#### **G - NEW BUSINESS:**

**1 Councilor Pelletier – Review and Discuss a Proposal and Possible Adoption of a Resolution Creating a Working Group Focused on Economic and Community growth**

#### **H – BIDS AND REQUESTS FOR PROPOSALS**

**1. Town Administrator – Request Approval to Award Contract for Fire Station Windows to Lowest Bidder, Horner Millwork – Funding Will be From RI Energy Office**

**2. Town Administrator – Request Authorization to Solicit Bids for a Replacement Boiler and Hot Water System for the Senior Center – Funding From RI Energy Office.**

**I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Councilors Chabot and Lambert – Brief Update on Status of Pay As You Throw Program**

**K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. In re Envirologic – Bay Street clean Up**

**5. CLOSED EXECUTIVE SESSION**

**Town Solicitor - Litigation – 42-46-5(a) (2)**

**b. O’Dell v. Town of Tiverton**

**c. In re Envirologic – Bay Street Clean Up**

**1. Town Administrator - 42-46-5(a)(2) – Collective Bargaining – Teamsters, IAFF and IBPO**

**A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended**

**6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**