

TIVERTON TOWN COUNCIL AGENDA

Regular Meeting: Monday, March 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: 03-24-2011

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

CONSENT AGENDA:

**(C.A.) 1. a. Approval of Minutes from Regular Council Meeting
January 10, 2011 as Amended**

**b. Approval of Minutes from Regular Council Meeting February
14, 2011**

**c. Approval of Minutes from Special Council Meeting February
26, 2011**

Councilor Coulter abstains – Not Present at Meeting

**d. Approval of Minutes from Regular Council Meeting February
28, 2011**

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

a. Recreation Commission

b. Financial Town Meeting Changes Advisory Committee

c. Budget Committee (2)

d. Zoning Board of Review

e. Personnel Board (2)

f. Economic Development Commission

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

a. Received From Ms. Nancy Poutray Regarding Hunting on Sunday

**b. Received From Wiley Center Regarding Utility Shutoffs in RI and
Support of H-5437 and S-412**

- c. Received From Jamestown Town Council Resolution in Support of RIGL 17-18-11 Closing of Polls at 8 P.M.**
- d. Received From Town Burrillville - Resolutions**
- Support RIGL 42-9-8.1 – Powers and Duties of Investigators**
 - Support of Amendments to RIGL 16-7-44 School Housing Project Costs**
 - Support RIGL 40-13.2 Certification of Child Care and Youth Serving Agency Workers**
And Certification of Personnel Providing Educational Services to Very Young Children
- e. Received From Portsmouth Town Council – Resolution Urging RIDEM to Reconsider and Not Raise the current Limit of 7mg/Kg to 40 mg/KG in Re-Use of Soils on Former Portsmouth Town Dump/Kidd Disposal Site**
- f. Received From RIDEM Regarding Project Priority List Request for Projects State fiscal Year 2012 – Referred to Town Administrator, DPW Director and Wastewater Management Superintendent**
- (C.A.) 4. Resolution Proclaiming April Fair Housing Month in Tiverton**
- (C.A.) 5. Attorney Kelly, James Pelletier – Request Zoning Ordinance Amendment to Article XVI –**
Section 3 be Referred to Planning Board
- a. Notice of Planning Board Decision on Prior Submission**

(C.A.) 6. Ocean Tides Senior Games, c/o Nancy Dobie, Bristol, RI – Request Permission to Hold Open 4 Mile

Footrace Starting and Finishing at Nonquit School on May 21, 2011

a. Recommendation to Police Department

(C.A.) 7. Ocean Tides Senior Games, c/o Nancy Dobie, Bristol, RI – Request Permission to Hold 4/8-Mile

Bicycle Race Around Nonquit Pond On May 14, 2011

a. Recommendation to Police Department

(C.A.) 8. John and Teresa Cordeiro, 19 Blueberry Lane Request Permission to Hold a Bike Ride to

Benefit the Megan L. Cordeiro Memorial Foundation – Late September/Early October

a. Recommendation of Police Department

(C.A.) 9. Town Clerk Request Council Schedule of Special Meeting/Workshop for June 6, 2011

(C.A.) 10. Kate Michaud, Planning Board Request for Workshop Regarding Issues surrounding

Construction and Maintenance of New Roadways in Tiverton on June 6, 2011

a. Street Committee Presentation

(C.A.) 11. Town Solicitor – Request to Schedule Public Hearing on May 9, 2011 for Amendments to Code –

Continued From March 14th Meeting - Previously Distributed

(C.A.) 12. Town Administrator – Request Council Approval to Forward Recycling Agreement With RIRRC for

Period July 1, 2011 to June 30, 2014- A Continuation of the Current Expiring Agreement for

Disposal of Recyclables

(C.A.) 13. Town Administrator – Approval to Join Narragansett Bay Home Consortium Allowing for HUD

Funds for Affordable Housing

(C.A.) 14. Letter by Town Solicitor to CRMC Regarding Aquaculture Oyster Farm in Nanaquaket Pond

B –PUBLIC HEARING S & PUBLIC PRESENTATIONS

1. Jane Bitto, Singing Out Against Hunger – Public Hearing for Noise Variance

Annual Fund Raiser with Live Music Outside Performing on

September 15, 2011 From 5pm to 8pm

September 16th and 17, 2011 From 11:30am to 9pm

And September 18, 2011 from 11:30am to 7pm

2. Lisa Machado, Coastal Roasters, 1791 Main Road, Singing Out Against Hunger – Public Hearing for Noise Variance - Annual Fund Raiser with Live Music Outside Performing on

September 15th and 16th, 2011 From Noon to 4pm

September 17th and 18th, 2011 From 9am to 1pm

3. Presentation by Ian Ridlon, Esq, General Counsel and Director of Legal Services for the Rhode Island Interlocal Risk Management Trust – The Trust’s Judicial Fairness Initiative

a. Adoption of Resolution Supporting Legislative Amendments to Protect Rhode

Island’s Cities and Towns and Their Public Officials/Employees

C- BOARD OF LICENSING COMMISSIONERS

1. L.A.L. Construction Co., Inc. Fall River, MA – Request Approval for Street Excavator License

Subject to Meeting All Legal Requirements

D - APPOINTMENTS & RESIGNATIONS:

1. Budget Committee – Resignation of Thomas A. Parker

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 March 14, Meeting

2. Dr. Harvey Waxman – Brief Presentation Focused on R.I.G.H.T. Tax System – Continued From March 14, 2011

3. Councilor Chabot – Discussion of Model Contract and Provide Direction to Town Administrator – Continued From March 14th Meeting

4. Councilor Pelletier – Review and Discuss a Proposal and Possible Adoption of a Resolution Creating a Working Group Focused on Economic and Community Growth

5. Louis Cabral, Chairman Tiverton Municipal Building Facilities Advisory Committee

Authorization to Advertisement/Release of Attached RFP for Acquisition or Lease and

Redevelopment/Reuse of Nonquit School and Site – Continued From March 14th -

Further Continued to April 11 Meeting per Town Solicitor Recommendation

6. 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 From February 28th

7. Town Administrator/DPW Director – PAYT – Approve Contract With Waste Zero and Proceed With PAYT Program

F – FINANCIAL BUSINESS:

1. Town Administrator – Request Release of F/Y 2010 Carry Forward Amount of \$10,500 in Account 009-098-997 to Make Final Payment of Fogland Beach Survey

G - NEW BUSINESS:

1. Councilor Coulter –Discussion and Possible Votes on Final Proposed Budget for F/Y 2011/12

a. Discussion and Possible Vote on Revenue Estimates

b. Discussion and Possible Votes on Resolutions for FTM

c. Discussion and Possible Vote on Docket Format

d. Report From Town Administrator on Variances of Appropriations to Actuals for FY 2010 Budget

2. Tiverton Library Board of Trustees

a. Requests Approval of Resolution Memorializing the Members of the General Assembly to Introduce and Urge Passage of Legislation Authorizing Bonds of the Town and Approve and Transmit to the G/A Authorizing Legislation Drafted by Norman Benoit, Bond Counsel

b. Requests Council Initiate Planning for a Special Election to on November 8, 2011 Following the Procedures Specified in Section 12 of the Proposed Act – Costs to the Town of Election to be Provided by Tiverton Library Foundation

3. Town Administrator – Ratification of One Year Extension to IAFF Local 1703, AFL_CIO Contract

From July 1, 2010 to June 30, 2011– Cost Impact Statement Made Public

4. Laura Epke – Request Council Take Formal Action to Make Public the Position of Each Councilor as to Whether or Not RIGL 44-5-2(e) Requires a 4/5ths Council Vote

5. Councilor Pelletier – Discussion of Actions Council Should Pursue with Regard to Bay Street Cleanup Issues

H – BIDS AND REQUESTS FOR PROPOSALS

1. Town Administrator – Request to Award Tiverton Fire station Boilers to Lowest Bidder Seekonk Heating in the Amount of \$42,700 to be Paid by the EECBG Grant

I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Coast Guard Decision Regarding RIDEM Appeal From Ruling on LNG Traffic in Narragansett and Mt. Hope Bay

2. In re: Envirologic LLC, - Distribution of Chapter 7 Trustee's Motion to Approve Settlement Agreement and Mutual Release

3. Request by Tom Dalglish for Selected Minutes and votes of Town Council in Executive Session

a. Response From Solicitor

b. Appeal to Response by Tom Dalglish

c. Response of Town Administrator to Appeal

4. Tiverton School Committee v. Town of Tiverton

a. Memorandum of Tiverton School Committee

b. Reply Memorandum of Town

c. Reply Memorandum of School Committee

d. Town Objection and Motion to Strike School Committee Reply

5. a. Distribution of Recorded Settlement Document Raposa v. Town of Tiverton

c. Distribution of Recorded Grant of Easement by William Raposa

5. CLOSED EXECUTIVE SESSION

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

a. Snell v. Tax Assessor

b. Tosi v. Tax Assessor

c. Bay street – In re: Envirollogic

2. Town Administrator - 42-46-5(a)(2) – Collective Bargaining – Teamsters 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.”