

TIVERTON TOWN COUNCIL AGENDA

Regular Meeting: Monday, April 11, 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: 04-07-2011

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
March 14, 2011**

Councilor Leonard Abstains – Not Present at Meeting

**b. Approval of Executive Session Minutes from Regular
Council Meeting March 14, 2011**

Councilor Leonard Abstains – Not Present at Meeting

**c. Approval of Minutes from Special Council Meeting February
7, 2011**

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

**e. Approval of Executive Session Minutes from Regular Council
Meeting March 28, 2011**

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

a. Arts Council

b. Municipal Buildings Feasibility Advisory Committee (2)

c. Cemetery Commission

d. Open Space and Land Preservation Commission

e. Prevention Coalition

f. School Committee (7)

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

- a. **Received From RI Housing Congratulating Tiverton as Selected Winner of 2011 Partners in Housing Award in Municipal Category**
- b. **Received Acknowledgement From Lincourt Family for Council Expression of Sympathy**
- c. **Received From James Amarantes Regarding Appointed Treasurer Charter Amendment**
- d. **Received From Honorable Representative Jay Edwards Regarding Meals and Beverage Tax Distributions Through Second Quarter FY 2011**
- e. **Received From Roger Bennis Regarding FTM Docket**
- f. **Resolutions**
 1. **Town of Jamestown Opposing School Employee Arbitration**
 2. **Town of Exeter West Greenwich School Committee Opposing Binding Arbitration**
 3. **Town of North Smithfield Opposing Mandatory Binding Arbitration**
 4. **Town of Jamestown Supporting Legislative Initiative Relating to Elections**
 5. **Town of Jamestown Supporting Additional Legislative Initiative Relating to Elections**
 6. **Town of Jamestown Supporting Legislation Relating to School Housing Project Costs**
 7. **Town of Middletown Supporting Legislation Relating to Closing Time of Polls**
 8. **Town of Glocester Supporting Amendment Relating to Regional school district Budgeting**

9. Town of Foster Gloucester Opposing Contract Continuation

(C.A.) 4. Little Compton Grange Regarding Arruda Dairy Award

a. Council Adoption of Proclamation for Arruda Dairy Farm

(C.A.) 5. Town Administrator – Distribution of Budget Draft Dated April 7, 2011

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B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Christian Belden, Church Community Housing – First Public Hearing - Community Development Block Grant Application

2. Hoffman Engineering – Bay Street Remediation

a. Status Report by Bob Hoffman

b. Memorandum of Understanding

c. First Addendum to MOU

d. Approval of Second Addendum to MOU

3. Tiverton Conservation Commission – Discussion on Status of the Commission

C- BOARD OF LICENSING COMMISSIONERS

1. Raymond LePage, St. Theresa's Parish, 265 Stafford Road – Request (3) Class F Liquor Licenses for Annual Parish Festival Subject to Meeting All Legal Requirements

a. August 5, 2011 between 5:00 p.m. to 10:00 p.m.

b. August 6, 2011 between 12:00 p.m. to 10:00 p.m.

c. August 7, 2011 between 12:00 p.m. to 6:00 p.m.

D - APPOINTMENTS & RESIGNATIONS:

1. Appointment for Budget Committee Vacancy

a. Councilor Roderick – Appointment to Fill Vacancy on Budget Committee

b. Councilor Coulter – Request Appointment of J. Belli to Budget Committee

2. Councilor Pelletier – Appointment of Volunteers for Working Group Focused on Economic and Community Growth - Town Administrator's List of Volunteers

E - UNFINISHED BUSINESS:

1. 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 – Previously Distributed

Continued From March 28th

a. Solicitor Proposed Revision

b. Letter From Historical Preservation & Heritage Commission to School Superintendent (2002)

c. Email Received From Historical Preservation & Heritage Commission (2010)

2. Councilors Coulter and Roderick– Yard Waste Disposal Under Pay-As-You-Throw Program

a. Recommendation by DPW Director, Stephen Berlucchi

3. Councilor Coulter – FY 2011-2012 Budget

Finalize Revenue Estimates

Resolution to Lower Interest Rate on Late Taxes

Resolution for Restricted Accounts

Finalize Budget Request

Docket Structure

Budget/Docket Dispute as Relating to School Committee/Budget Committee

Other Resolutions/Actions Relating to Budget/Docket

F – FINANCIAL BUSINESS:

1. TFD, Chief Lloyd- Request to Transfer Funds -\$45,000 from Acct. #331-101 (Base Salary) to Acct. #331-102 (Overtime)

G - NEW BUSINESS:

- 1. Wastewater Management Commission – Requests Permission to Submit Seven Projects to the 2012 State Revolving Fund (SRF) Project Priority List**
- 2. Town Administrator – Discussion Regarding Hiring of Two Replacement Firefighters**
- 3. Chief Blakey – Photovoltaic Solar Panels for Town – Request Permission for On-Site Energy Survey by DCS Energy to Determine the Feasibility of Installing Photovoltaic Panels on All Town Buildings Including Schools**

H – BIDS AND REQUESTS FOR PROPOSALS

- 1. Town Administrator – Authorization to Solicit Bids for Dept. Public Works Union Employee Uniforms**
- 2. Town Administrator – Request to Award Bid for Replacement of Boiler and Indirect Water Heater for Senior Center to Lowest Bidder Valcourt Heating in the Amount of \$22,116 to be Paid by the Efficiency and Conservation Block Grant**
- 3. DPW Director Stephen Berlucchi – Request Award the Bid for**

Guardrail Contract to Lowest Bidder COSCO, Inc in the Amount of \$17,750

I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Councilor Coulter – Request for Joint Meeting With School Committee

2. Councilor Coulter – Request status Report by FTMCAC and Progress Against Committee Deadline

K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Tiverton v. Pelletier

a. Tiverton’s Motion to Intervene

b. RIDEM Order to Continue

c. Status on Superior Court Case

2. O'Dell v. Town of Tiverton - Superior Court Filings

a. O'Dell's Entry to Default

b. Tiverton's Motion to Vacate Default

3. Letter to CRMC Regarding Oyster Farm on Nanaquaket Pond

5. CLOSED EXECUTIVE SESSION

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

2. Town Solicitor - Litigation – 42-46-5(a) (2) – Campbell/Moran v. Tiverton (TYC)

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.”