

TIVERTON TOWN COUNCIL AGENDA

Regular Meeting: Monday, May 9, 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: 05-05-2011

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.

Honorable Representative Jay Edwards – Brief Presentation

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. No Minutes Available

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

a. Arts Council

b. Financial Town Meeting Advisory Committee

c. Historic Cemetery Commission

d. Budget Committee

e. Personnel Board (2)

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

a. Received From Honorable Representative Daniel P. Gordon, Jr. Requesting Information

From Tiverton High School Principal

b. Mr. Steven M. Fezette, Principal Tiverton High School – Response to Representative Gordon

c. Received From Representative Daniel P. Gordon, Jr. Regarding Portsmouth Water and Fire

District's Resolution in Opposition to H-5948

d. Resolution Received From North Smithfield School Committee Opposing Mandatory Binding

Arbitration for School Teachers and Other School Employees

e. Resolution Received From Bristol Warren Regional School

Committee Opposing Mandatory

Binding Arbitration for School Teachers and Other School Employees

f. Resolution Received From Bristol Warren Regional School Committee Opposing Mandatory

Contract Continuation for Teachers Collective Bargaining

g. Received From Louis Cabral, Chair Municipal Buildings Feasibility Advisory Committee

Regarding Comprehensive Final Report

(C.A.) 4. William McLaughlin – Requesting Council Waive Fees Previously Paid for Zoning Petition Variance

Referred to Solicitor Teitz and Assistant Solicitor Ruggiero for Recommendation by May 23 Mtg

(C.A.) 5. Thomas Ramotowski, Chair Conservation Commission – Draft Ordinance for Streetlights and Energy

Efficient Roadway Lights – Referred to Town Solicitor

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Attorney Leary – Proposed Adoption of Amendment to Zoning Article IV, section 16(b)(1) Manufactured Home Elderly Community

a. Proposed Revision to Amendment by Attorney Leary

b. Joint Written Opinion From Solicitor Teitz and Assistant Solicitor Ruggiero

c. Agenda Request of Maureen Brown, 76 Robin Drive and Kathleen Wood, 33 Bluebird Lane

Information Regarding “Implementation of Housing for Older Persons Act of 1995”

2. Christian Belden, Church Community Housing – Second Public Hearing - Community Development Block Grant Application

a. Approval of Council Authorizing Resolution

C- BOARD OF LICENSING COMMISSIONERS - NON ADVERTISED LICENSES

1. Roger N. Dupont, 28 Salisbury Street – Request Approval for Annual Renewal of Private Detective License – May 15, 2011 to May 14, 2012 - Subject to Meeting All Legal Requirements

2. 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- Continued From April 25, 2011

a. Documentation Received From Attorney Dorsey

BOARD OF LICENSING - PUBLIC HEARINGS – ADVERTISED LICENSES

3. Attorney Vincent Indeglia – Annual Renewal of Liquor Licenses Dec 1, 2010 to Nov 30, 2011 Subject to Meeting All Legal Requirements –

**Receivership Botelho, LLC d/b/a Buddy's Place, 79 Main Road –
Continued from April 25, 2011**

D - APPOINTMENTS & RESIGNATIONS:

- 1. Resignation of Patricia A. Sullivan From Conservation Commission**
- 2. Resignation of Brian Medeiros From Financial Town Meeting Changes Advisory Committee**
- 3. Appointments to Conservation Commission**
 - a. Appointment Requests (Currently (1) one year term (1) two year term and (1) three year term**
Peter Mello, 1912 Crandall Road
Patricia M. Hilton, 99 Peaceful Way
Richard Guimond, 37 Neck Road

E - UNFINISHED BUSINESS:

- 1. Councilor Coulter – Correspondence Received From Ms. Blease Relating to Interest Penalties on Taxes**
- 2. Councilor Chabot – Review and Possible Vote of Model Contract Changes Identified at March 28th Meeting**

F – FINANCIAL BUSINESS:

1. Councilor Coulter – FY 2011-2012 Budget

- **Published Docket and Notices**
- **Legal Opinion to Budget Committee**
- **Financial Town Meeting Preparation**
- **Any Residual Matters Relating to Budget**

Final Discussion/Votes Relating to FY 2011-2012 Budget and Budget Adoption Process Before Financial Town Meeting

G - NEW BUSINESS:

1. Status of Financial Town Meeting Changes Advisory Committee

a. Jeff Caron, Co-Chair FTMCAC – Request Town Council Take Action to Appoint Co-Chair, Reduce FTMCAC Quorum Requirement and Amend Final Report Date – Status Discussion and Town Council Input

b. Councilor Nelson – Status of Financial Town Meeting Changes Advisory Committee – Staffing Status & Next Steps

c. Councilor Chabot – Request Appointment of Nancy Driggs as Co-Chair of the FTMCAC

Appointment Request by Nancy L. Driggs to FTMCAC

2. Councilor Coulter – Request Status Report and Extend Appreciation to Volunteers for Work on Senior Center Roof

**3. Town Administrator – Ratification of IBPO Contract Extension From July 1, 2010 to June 30, 2011
Cost Impact Statement Made Public**

4. Councilor Chabot – Selection/Retention of Town Solicitor and Assistant Solicitors

H – BIDS AND REQUESTS FOR PROPOSALS

1. Robert Martin, Town Maintenance – Authorization to Solicit Bids for Fencing Along Softball at Bulgarmarsh Recreation Area – Funding Will Be Provided by DEM Bulgarmarsh Grant

I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Update on Audit 2011- Memorandum From Office of the Auditor General

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS

- 1. Legal Opinion to Budget Committee**
- 2. Pelletier v. Town of Tiverton**
 - a. Letter From Attorney Michael Kelly to Justice Nugent**
 - b. Pelletier’s Motion to Continue**
 - c. Town’s Objection to Motion to Continue**
- 3. O’Dell v. Town of Tiverton – Joint stipulation to Continue**

5. CLOSED EXECUTIVE SESSION

- 1. Councilor Chabot – Litigation – 42-46-5(a)(2) – Status Report on All Pending Litigation**
- 2. Councilor Chabot/Town Solicitor – Litigation – 42-46-5(a)(2) – O’Dell v. Town of Tiverton**
- 3. Councilor Chabot/Town Solicitor – Litigation – 42-46-5(a)(2) – Campbell/Moran v. Tiverton (TYC)**
- 4. Town Solicitor – 42-46-5(a)(2) - Pelletier v. Town of Tiverton**
- 5. Councilor Chabot - Personnel – 42-46-5(a) (1) – Performance of Town Solicitor – Notice Provided**

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.”