

# **TIVERTON TOWN COUNCIL AMENDED AGENDA**

**Regular Meeting: Monday, May 23, 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: 05-19-2011**

## **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**

**Ms. Denise DeMedeiros, Chairperson Gerry Leduc  
Foundation- Presentation of a Rescue Boat, Motor,  
Trailer and Electronics to the Tiverton Fire  
Department in Memory of Lt. Gerry Leduc**

## **CLOSED EXECUTIVE SESSION**

**1. Councilor Chabot – 42-46-5(a)(1) – Personnel – Performance of**

## **Town Solicitor - Notice Provided**

### **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 April 25, 2011

b. Approval of Executive Session Minutes from Council Meeting April 25, 2011

c. Approval of Minutes from Regular Council Meeting April 11, 2011

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

a. Economic Development

b. Harbor Commission

c. Cemetery Commission

d. School Committee (3)

e. Zoning Board of Review

**f. Tiverton Recycling/Landfill Committee (2)**

**g. FTMCAC (Previously Distributed**

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

**a. Received From Superintendent of Schools, William Rearick  
Regarding Recreation Commission**

**Action at Pocasset School – Referred to Town Administrator**

**b. Resolution Received From Cumberland School Committee in  
Support of Senate Bill 2011-007**

**Amending Mandatory March 1 Deadline to June 1 in RIGL 13-13-2**

**c. Received From Kate Michaud, Planning Board A/O Regarding  
Revised Proposed Zoning**

**Ordinance Amendment by James Pelletier c/o Michael A. Kelly,  
Esq.**

**d. Received From RIDEM Regarding RI Cesspool Act of 2007 –  
Referred to Town Administrator**

**and Wastewater Management Superintendent**

**(C.A.) 4. Resolution Authorizing Town Clerk to Sign Corporate  
Authority Forms for Financial Accounts in**

**Ordinary Course of Business to Expire on December 1,  
2012**

**(C.A.) 5. Town Treasurer Revenue and Budget Report for April 2011  
– Previously Distributed**

**(C.A.) 6. Request by Attorney D'Alessandro to Purchase Town Tax Title Interest in Parcel Located on**

**Wood Avenue Known as Block 158, Card 20A – Referred to Town Solicitor**

**B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS**

**C. BOARD OF LICENSING**

**1. Melissa Goduti, American Promotional Events dba TNT Fireworks – Request Approval of Holiday**

**License Subject to Meeting All Legal Requirements**

**2. Countryview Estates LLC – Request Approval of Renewal of License – Term December 1, 2010 to November 30, 2011 – Subject to Meeting All Legal Requirements – Presently License in Effect to May 23, 2011**

**a. Request by Attorney Leary for Renewal**

**b. Recommendation by Planning Board**

**D - APPOINTMENTS & RESIGNATIONS:**

**1. Nancy L. Driggs, Co-Chair FTMCAC -Appointment Requests Advisory Commission (Exp 8/31/2011)**

**a. John J. Martin, 95 N Brayton Road**

**b. Ruth Hollenback, 843 Seapowet Avenue**

**E - UNFINISHED BUSINESS:**

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

**District's Resolution in Opposition to H-5948 – Requested Comments  
From Stone Bridge and North**

**Tiverton Fire Districts at May 9th Meeting**

**a. Response From North Tiverton Fire District**

**b. Response From Stone Bridge Fire District**

**2. Christian Belden, Church Community Housing – Continued From  
May 9th - Community Development Block Grant Application**

**a. Approval of Council Authorizing Resolution**

**3. Councilor Chabot – Review and Possible Vote of Model Contract  
Changes Continued From May 9th Meeting – Response from Town  
Administrator**

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

**a. Letter Received by Muri Associates, LLC Representing Bay Street  
Neighborhood, LLC**

**b. Ms. Joanne Moniz Request to Speak**

**F – FINANCIAL BUSINESS:**

**1. DPW Director, Stephen Berlucchi – Request Transfer of Funds From Acct #554-451 (Snow Removal) to Acct #554-648 (Repairs & Tires) to Partially Cover Repair Shortfall on Sweeper/Catchbasin Cleaner**

**G - NEW BUSINESS:**

**1. Police Chief Blakey – Request Permission to Advertise and Hire a Replacement for Records Clerk**

**2. Fire Chief Lloyd – Request Approval to Expend Insurance Funds and Fire Prevention Funds to Replace a Vehicle Damaged and Totaled by Insurance Company**

**3. Brian Janes/Garry Plunkett – Open Space Commission – Brief Discussion on Status of Open Space**

**4. Jeff Caron, Co-Chair FTMCAC**

**a. Distribution of FTMCAC “V6” and Latest Tracking sheet**

**b. Request Thorough Solicitor Review of V6**

**c. Request Public Hearings Scheduled**

**d. Request Town council Input**

**5. Police Chief Blakey – Request Permission to Hire a Patrolman and Advertise for New List of Candidates**

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

- 1. Chief Blakey – Request Permission to Advertise for Three Police Vehicles – Funding Approved at 2011 FTM to be Delivered After July 1, 2011**
- 2. Town Administrator – Request Authorization to Solicit New Bids for Audit Services Beginning with Fiscal Year Ending June 30, 2011**

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

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

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

- 1. Memorandum of Recommendation Regarding William McLaughlin's Request to Waive Fees Previously Paid for Zoning Petition Variance**

## **5. CLOSED EXECUTIVE SESSION**

- 1. Open Space Commission– 42-46-5(a)(6) – Prospective Business**
- 2. Town Solicitor – Litigation – 42-46-5(a)(2) – Report on Pending Litigation**

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

**a. O’Dell v Tiverton**

**b. Tiger Tree/James Pelletier v Tiverton**

**c. Bay Street in re Envirologic**

**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.”**