

# **TIVERTON TOWN COUNCIL AGENDA**

**Tiverton Town Hall**

**343 Highland Road**

**Tiverton, Rhode Island 02878**

**Regular Meeting: Monday, February 13, 2012 at 7:00 p.m.**

## **AMENDED AGENDA**

**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: 02-09-2012**

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

### **2. ROLL CALL**

**Jay Lambert-President Robert D. Coulter Edward Roderick**

**Cecil E. Leonard-Vice President David M. Nelson**

**Joan B. Chabot Brett N. Pelletier**

### **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.

## **CLOSED EXECUTIVE SESSION**

**1. Litigation -42-46-5(a)(5)- Acquisition or Disposition of Town Held Property – Industrial Park**

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

#### **CONSENT AGENDA:**

**(C.A.) 1. a. Approval of Minutes from Regular Council Meeting January 9, 2012**

**No Executive Session Held**

**b. Approval of Minutes from Regular Council Meeting January 23, 2012**

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

**d. Approval of Minutes from Executive Session on January 23, 2012**

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

**a. Wastewater Management Commission**

**b. Cemetery Commission**

**c. Art Council**

- d. Building Code Board of Appeals**
- e. Historic Preservation Advisory Board (2)**
- f. Police Pension Board of Trustees**
- g. Harbor and Coastal Waters Management Commission (2)**
- h. Zoning Board of Review**
- i. Conservation Commission**
- j. Planning Board**

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

- a. Resolution Received From Town of Richmond Regarding Support of Amendment to RIGL**

**17-11-1 – An Act Related to Elections and Voting Districts**

- b. Resolution Received From Town of Foster I Support of Amendment RIGL 17-11-1 – An Act  
Relating to Elections and Voting Districts**

**(C.A.) 4. Approval of Tax Assessor Abatements**

- (C.A.) 5. Approval of Petition for Verizon New England and Narragansett Electric for One**

**New Joint Pole (P.1-1) and anchor guy on Bullfrog Lane**

- a. DPW Director S. Berlucchi Recommendation**
- b. Town Stipulations Required for Approval Typed on Approved Petition**

**(C.A.) 6. Recreation Commission – Permission to Advertise for**

## **Summer Recreation Positions**

**(C.A.) 7. Request to Schedule Public Hearing On Hydronic Heaters for March 26, 2012**

**Recommendation From Planning Board**

**(C.A.) 8. Town Administrator for Distribution Only – To Be Discussed at Council Meeting Feb. 27, 2012**

**a. Stormwater Report**

**b. PARE Feasibility Study**

**(C.A.) 9. Request Public Hearing on March 26, 2010 for Zoning Amendments to Create a Planned Development Park (PDP) Floating Zone and the Adoption of the Development Standards and Guidelines for the Industrial Park**

**(C.A.) 10. Permission to Advertise and Hire Per Diem Control Center Operators**

**(C.A.) 11. Permission to Advertise and Establish a List for Police Officers**

## **A-1 OPEN PUBLIC FORUM**

**Public Forum for Announcements, Comments, Questions**

## **B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS**

- 1. Small Cities Community Development Block Grant– First Public Hearing - Community Development Block Grant Application**
  - a. Councilor Roderick – Discussion of Process for CDBG Applications**
  - b. Christian Belden – Church Community Housing**

## **C. BOARD OF LICENSING**

### **PUBLIC HEARING - ADVERTISED**

- 1. Cheryl DeDucca, Nonni's Inc., 1154 Stafford Road – Request Entertainment License– Subject to Meeting All Legal Requirements**

## **D - APPOINTMENTS & RESIGNATIONS:**

- 1. Appointment of Tree Warden – February 2012 to January 2013 – Annual Appointment**

**Required by DEM**

**John D. Manchester, 2970 Main Road**

- 2. Appointment to Tiverton Historic Preservation Advisory Board  
(Three Year Term Expiring October 15, 2014)  
Rachel Peckham Elder, 364 Highland Road**

- 3. Annual Re-Appointment of Administrative Officer – Kate Michaud  
Recommendation of Planning Board**

- 4. Municipal Court Judge – Appointment Process and Possible Vote**

**to Advertise**

**E - UNFINISHED BUSINESS:**

**1. Councilors Lambert and Coulter – Present Draft of One Year Report to Town Council President Continued From January 23rd Meeting**

**2. Councilor Coulter – Department Discretionary Budget Program/Carryforward & Transfer Policies**

**a. Discuss Draft Policy for Department Discretionary Budgets Previously Introduced**

**b. Discuss Draft Policy to Document Carryforward and Transfer Practices Previously Introduced**

**3. Gerald V. Felise, President/CEO Natural Energy Generation – Brief and Update Town Council on Status of its Major Energy Generation Project and Formal Request for Letter of Support from Tiverton Town Council**

**4. Councilor Leonard – Follow up to January 30, 21012 Workshop on Industrial Park Wind Turbines Council Discussion and Possible Vote Including But Not Limited to:**

**a. Inclusion of Solar Power for Additional Consideration at Industrial Park**

**b. Infrastructure Installation Cost and Possible Funding Methods**

**c. Best Method of Coordinating Town and Fire District Action**

## **Pertaining to Wind Turbines and Solar Power**

### **d. Support of EBEC Enabling Legislation at the RI General Assembly**

### **5. East Bay Energy Consortium (EBEC), Garry Plunkett Tiverton EBEC Representative**

#### **a. Draft Legislation for Public Corporation for EBEC**

#### **b. Discussion of Process for Reaching a Decision on Tiverton Wind Energy Alternatives**

#### **c. Continuing Discussion for Town Moving Forward on Use of Industrial Park**

## **F – FINANCIAL BUSINESS:**

## **G - NEW BUSINESS:**

### **1. Councilor Roderick – Petition Regarding Recently Imposed Fishing and Recreational Restrictions on Nonquit Pond**

### **2. Councilor Leonard – Up Date of Comprehensive Community Plan**

#### **Council Discussion and Possible Vote on One or More Issues Including But Not Limited to**

#### **a. Best Process, Including Creation of a Broad Based Citizen Group to Prepare a Current Comprehensive Community Plan for Submission to the Appropriate State Agencies on or Before the 2014 Due Date**

### **3. Councilor Leonard – Improve Police Pension Fund Investment Earnings**

**Council Discussion and Possible Vote on One or More Issues Including But Not Limited to If the Police Pension Fund Can “Hold the Paper” For Financing Town Purchases of Capital Equipment Such as Police Cars and Rescue Vehicles.**

### **4. Councilor Pelletier – Revisit the Proposed Zoning Ordinance Amendment to Article XV, Section 5 – Procedure for Special Use Permits and Variances- Amend Section 5 to Allow Application to Zoning Board for Special Use Permit Concurrent with Dimensional Variance – Add New Subsection 5(d) and Possible Vote for New Public Hearing**

### **5. Councilor Coulter – Disposition of Town Buildings**

**a. Request status Report on RFP for Old Schools**

**b. Request Status Report of Essex Library Disposition/Repurposing Report**

**c. Vote Further Action as Appropriate**

### **6. Councilor Coulter – Boards, Commission and Committees Policy – Staffing of Ad Hoc Committees**

**a. Respond to Item Raised at Open Public Forum Regarding Charter Requirements and/or Policy Guidance for Members of Ad Hoc Committees**

**b. Request Formal Solicitor Legal Opinion on Whether Charter**

# **Requirement That Town Board Members be Electors Also Applies to Ad Hoc Committees**

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

## **I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

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

## **K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS**

- 1. Brief Update on Tiger Tree/James Pelletier v Tiverton**
  
- 2. Tiverton School Committee v Town of Tiverton (2009/2010)**
  - a. Town Council Settlement Proposal**
  - b. School Committee Counter Proposal**
  
- 3. Tiverton School Committee v Town of Tiverton (2010/2011)**
  - a. Petition From Attorney Robinson to Commissioner of Education Deborah Gist**
  - b. Response From Town Solicitor to Commissioner of Education Deborah Gist**
  - c. Letter From Hearing Officer Forrest Avila Dated 1/26/2012**
  - d. Response of Attorney Robinson to Hearing Officer Avila Dated 1/27/2012**
  - e. Response of Town Solicitor to Hearing Officer Forrest Avila Dated**

**1/31/2012**

**f. Email Correspondence Between Dept of Education Legal Assistant Vilma DiOrio and Town Solicitor Regarding Scheduling**

**4. Brief Report on Library cy pres Research**

**L- TOWN CLERK ANNOUNCEMENTS**

**5. CLOSED EXECUTIVE SESSION**

- 1. Litigation -42-46-5(a)(2) – Attorney Ruggiero - Campbell et al v. Town of Tiverton (TYC)**
- 2. Litigation -42-46-5(a)(2)- Tiverton School Committee v. Town of Tiverton (2009-2010)**
- 3. Litigation -42-46-5(a)(2)- Tiverton School Committee v. Town of Tiverton (2010-2011)**
- 4. Litigation –42-46-5(a)(2)- Vieira v. Town of Tiverton**
- 5. Litigation-42-46-5(a)(2) – Town Solicitor Quarterly Litigation Report**

**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.”**