

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, February 27, 2012 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: 02-24-2012

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

2. Prospective Business – 42-46-5(a)(6)

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. a. No Minutes Available

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

a. Board of Canvassers (4)

b. Fogland Beach Oversight Committee

c. Prevention Coalition

d. Open Space Commission (7)

e. Wastewater Management Commission

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

a. Received From Honorable Representative John G. Edwards – Update on Tiverton Charter

Amended on November 8, 2011

b. Resolution Opposing H-7250 That Mandates Expired Teacher

Contracts Must

Continue at the Existing Terms and Conditions Received From

1. Town of Coventry

2. Town of East Greenwich

c. Resolution in Support of Bill S2489 to Increase the Number of Voters Per Polling Location

From 1,900 to 4,000 – An Act Relating to Elections and Voting Districts

Received From Town of Richmond, Town of Scituate and Little Compton

(C.A.) 4. Christopher Spencer, Town Planner - Challenge Grant Awarded to Town of Tiverton to Study the Application of a Form-Based Codes to the Commercial Areas of Main Road from State Avenue to Sousa Road and the Bliss Corners Commercial Area

(C.A.) 5. Town Administrator – Distribution of Police Pension Investment Report for Period Ending December 31, 2011

(C.A.) 6. Tiverton Historical Society - Fogland Beach Event – August 11th, Rain Date August 12, 2012

Barbeque With Storytelling Around the Campfire – Approved by Recreation Commission

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. DPW Director Stephen Berlucchi – Public Input Hearing for RIPDES (Rhode Island Pollution

Discharge Elimination System) Small MS4 2010 Annual Report Required by RIDEM

Jeff Nield, Consultant from ESS Group Public Input Hearing on Stormwater Report

C. BOARD OF LICENSING

PUBLIC HEARING – ADVERTISED

1. BV Liquor License Transfer for Buddy's Place, 79 Main Road From Receiver Vincent Indeglia, Esquire to D&L Corp. – Request Granting of License Transfer Only/No Issuance – Subject to Meeting All Legal Requirements – Originally Transferred on November 28, 2011

D - APPOINTMENTS & RESIGNATIONS:

1. Juvenile Hearing Board - Resignation of Jennifer A. Eng

2. Coastal Resources Management Council

Resignation of Sam Carr and Carol Herrmann

E - UNFINISHED BUSINESS:

**1. Gerald V. Felise, President/CEO Natural Energy Generation
–Request for Letter of Support from Tiverton Town Council –
Continued From February 13th Meeting**

a. Town Solicitor – Draft Letter of Town Council Support

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

**3. Councilor Leonard – Update of Comprehensive Community Plan
Council Discussion and Possible Vote on One or More Issues
Including But Not Limited to**

**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

**4. Councilor Leonard – Evaluation of Wind Power and Other
Alternative Energy Proposals for Tiverton Industrial Park**

**Discussion and Possible Vote on Possible Methodology to
Evaluate Competing Proposals to**

Utilize the Tiverton Industrial Park to Obtain Best Income for the

Town

- 5. Councilor Coulter – Long-Term Financial Plan: Policies (General Fund/Carryforwards & Transfers / Dept Discretionary / Litigation Reserves / Property Tax Relief)**
 - a. Unrestricted General Fund – Request Renewed/Final Adoption of Policy (to be included in LTFP)**
 - b. Carryforwrds & Transfers – Request Final Adoption of Policy (to be included in LTFP)**
 - c. Dept discretionary Budget Program – Request Final Adoption of Policy (to be included in LTFP)**
 - d. Litigation Reserve Policy – Request Town Solicitor Prepare Policy Suggestion Points by May 31st with a View Toward Policy Adoption in Summer**
 - e. Property Tax Relief Measures – Brief Status Report Only**

F – FINANCIAL BUSINESS:

- 1. Town Administrator – FY 2012/13 Provisional Budget and Recommended Priorities for Town Council Review and Comment Including Possible Vote to Forward to Budget Committee**

G - NEW BUSINESS:

- 1. DPW Director Stephen Berlucchi – Solid Waste Management Feasibility Study by PARE**

Corporation

H – BIDS AND REQUESTS FOR PROPOSALS

- 1. RFP Nonquit/Ranger Schools – Review and Award Contract**

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
Correspondence Received From Janet L. Coit, Director RIDEM**
- 2. Tiverton School Committee v Town of Tiverton (2009/2010)**
 - a. Select Dates for Possible Meeting With School Committee**
- 3. Tiverton School Committee v Town of Tiverton (2010/2011)**

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

- 1. Litigation – 42-46-5(a)(2) - Library cy pres Research**
- 2. Acquisition or Disposition of Town Held Property- 42-46-5(a)(5)**

–Library cy pres Research

- 3. Litigation -42-46-5(a)(2) – Campbell et al v. Town of Tiverton (TYC)**
- 4. Litigation-42-46-5(a)(2) – Town Solicitor Quarterly Litigation Report Previously Distributed**

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.”