

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, May 7, 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: 05-03-2012

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.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes from Regular Council Meeting April 23, 2012

b. Approval of Executive Session Minutes from Regular Council Meeting April 23, 2012

Councilor Coulter Abstained – Absent

c. Approval of Executive Session Minutes from Regular Council Meeting March 12, 2012

Councilor Leonard Abstained - Absent

d. Approval of Minutes from Council Workshop March 5, 2011

e. Approval of Minutes from Council Joint Workshop Held January 18, 2012

Councilor Leonard Abstained - Absent

f. Approval of Minutes from Council Joint Workshop Held January 11, 2012

Councilor Nelson Abstained – Absent

g. Approval of Executive Session Minutes from Regular Council Meeting February 27, 2012

h. Approval of Executive Session Minutes from Regular Council Meeting February 13, 2012

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

Commissions

- a. Building Code Board of Appeals**
- b. Tree Commission**

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

- a. Resolutions Received From Narragansett Town Council and Westerly Town Council In Support of H-7272 - Layoff Notice Date for School Teachers**
- b. Received From Burrillville Town Council In Support of S-2036, S-2038, H-7144 and H- 7579 Other Post Employment Benefits (OPEB)-to Protect Rhode Island’s Cities and Towns and Their Public Officials/Employees**
- c. Tiverton Garden Club Invitation to Town Council for Dedication Ceremony on Memorial Day**

(C.A.) 4. Councilor Leonard – Approval of Town Council Resolution Opposing the Following Bills:

- a.H-7250 Mandates Expired Teacher Contracts Must Continue at the Existing Terms &Conditions**
- b.H-7617 That Provides for Binding Arbitration on all Unresolved Issues for School Teacher Contract Impasses and All Contractual Impasses Involving Non-Certified School Employees**
- c. H-7620 That Provides for Binding Arbitration on All Unresolved Issues for All Municipal Employees**

d. H-7618 That Provides That Upon Expiration of a Firefighter's Collective Bargaining Agreement all Contractual Provisions Will Continue Until a New Agreement is Reached or a Binding Arbitration Award Has Been Made
e.H-7629 Would Mandate That All Collective Bargaining Agreements Shall Continue Until a Successor Agreement Has Been Reached or An Interest Arbitration Award Has Been Tendered

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

- 1. Resolution in Support of Governor Chafee's Legislative Package**
- 2. Hoffman Engineering - Bay Street Contamination Progress Report**

C. BOARD OF LICENSING

NON ADVERTISED LICENSE

- 1. Raymond LePage, St. Theresa's Parish, 265 Stafford Road – Request (3) Class F – One Day Liquor Licenses for Annual Parish Festival Subject to Meeting All Legal Requirements**
 - a. August 3, 2012 between 5:00 p.m. to 10:00 p.m.**
 - b. August 4, 2012 between 12:00 p.m.to 11:00 p.m.**
 - c. August 5, 2012 between 12:00 p.m. to 6:00 p.m.**

ADVERTISED ENTERTAINMENT LICENSE

**2 Philip Viveiros, d/b/a Phil's Propane, 477 Crandall Road – Requests
Outdoor Entertainment License for Special Event on June 9, 2012
From 1pm to 5pm at 477 Crandall Road
Subject to Meeting All Legal Requirements**

D - APPOINTMENTS & RESIGNATIONS:

1. Appointments and Reappointments Group A

**Arts Council - New Request (One Vacancy- Term to Exp April 15,
2014)**

**Alyssa Wood, 115 Old Bulgarmarsh Road – continued from April 23,
2012**

**2. Fogland Beach Oversight Committee – New Request (One Vacancy-
at large member**

Constance Lima, 184 Fogland Road

**3. Wastewater Management Reappointment – Group A Term to Expire
April 15, 2015**

Jeffrey Stearns, 28 Church Street

E - UNFINISHED BUSINESS:

**1. Councilor Leonard – Update of Comprehensive Community Plan –
Continued From April 23rd**

**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

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

**1. Councilor Pelletier – Request Council Discuss Next Best Steps in
Advertising and Searching for a Full Time Replacement for Position
of Town Planner**

**Request Town Administrator to Advise and Recommend Next Steps
for Town Planner Replacement**

2. Councilor Coulter

**a.Request Copies of EBEC Related Legislation Actually Submitted to
General Assembly (And Any Amendments) And Any Drafts Under
Consideration**

**b.Confirm/Propose Legislation in Accord With Prior Town Council
Resolution**

1. H-7592 Legislation

2. S-2870 Legislation

3. Email to Attorney Moses From Solicitor

4. March 23, 2009 Memorandum of Agreement

5. April 23, 2012 Council Resolution

3. Peter M. Moniz- Request Formation of a Contract Negotiation Committee for Energy Renewal Projects on Town Properties

4. Chief Robert Lloyd TFD – Request Approval of Tiverton Emergency Operation Plan

5. Councilor Nelson- Skateboard Park Discussion and Possible Vote for Town Contribution

H – BIDS AND REQUESTS FOR PROPOSALS

1. Toni Lyn McGowan, Tax Collector- Request to Waive Bid Process for Printing of Tax Bills and Award to D3-Document Technologies

2. Town Administrator – Request Council Approval to Award Pocasset Hill Cemetery Maintenance Contract to Helger Landscaping

3. Tax Assessor, David Robert –Request Waiver of Bid Process for IT Services – Installation of Computer System

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. Draft Ordinance Amendment for Waiver of Interest on Overdue Quarterly Taxes**

L- TOWN CLERK ANNOUNCEMENTS

Financial Town Referendum Reminder – Date and Poll Locations

5. CLOSED EXECUTIVE SESSION

- 1. Litigation – 42-46-5(a)(2) – Town Solicitor–McInnis v. Town of Tiverton Zoning Board of Appeals**
- 2. Litigation – 42-46-5(a)(2) – Bay Street Litigation**

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.”