

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, May 21, 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: 05-17-2012

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 May 7, 2012

b. Approval of Executive Session Minutes from Regular Council Meeting May 7, 2012

c. Approval of Executive Session Minutes from Special Council Meeting February 20, 2012

d. Approval of Amended Minutes from Regular Council Meeting April 23, 2012

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

a. Pocasset Hill Cemetery Commission

b. Harbor and Coastal Waters Management Commission

c. Historic Cemeteries Commission

d. Prevention Coalition

e. Street Committee

f. Personnel Board (2)

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

a. State of the State Economic Luncheon – Keynote Speaker Michael Lewis, Director of the RI Department of Transportation - May 30, 2012

(C.A.) 4. Kate Michaud, Administrative Officer – Activities Report for April 2012

**(C.A.) 5. Brian Janes, Co-Chair, Tiverton Open Space Commission
– Memorandum of Understanding**

**Between Tiverton Land Trust and Town of
Tiverton**

**(C.A.) 6. Megan L. Cordeiro Memorial Foundation – Approval of
Fourth Annual Miles for Megan Bike**

**Ride/Walk on Saturday, September 29, 2012 –
Subject to All Legal Requirements**

**(C.A.) 7. Denise Saurette, Treasurer – Distribution of April Revenue
and Budget Reports**

**(C.A.) 8. Town Administrator/Leroy Kendricks, Chair
Wastewater Management – Request Authorization for
the Town Administrator to Prepare the Documents
and to Seek Financing of Septic System Repairs
Through the CSSLP Program**

**(C.A.) 9. Harbor and Coastal Waters Management
Commission - Request of Council Authorization For
Building Official to Share With The Commission
Copies of All Authorizations, Building Permits or
Applications That Address Any Construction
Activity Within 200 Feet of the Coastal Waters of**

The Town

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Nationalgrid – Brief Presentation on Volunteer Energy Savings Pilot Program in Tiverton for Customers With Central Air Conditioning and Wi-Fi

C. BOARD OF LICENSING

NON ADVERTISED LICENSE

1. Joan A. Ferreira d/b/a Sharon's Diner, 115 Stafford Road Requests Approval of Victualling License – Subject To Meeting All Legal Requirements

2. Richard Langlois, Joker's Fireworks, Inc., 504 Main Street, Acushnet, MA

Request Approval of Holiday License to Sell Fireworks at 34 Main Road – Subject To Meeting All Legal Requirements

3. Keith Lambert, Keystone Novelties, LLC, 201 Seymour St., Lancaster, PA

Request Approval of Holiday License to Sell Fireworks at 526 Main

Road – Subject To Meeting All Legal Requirements

ADVERTISED ENTERTAINMENT LICENSE

D - APPOINTMENTS & RESIGNATIONS:

E - UNFINISHED BUSINESS:

- 1. Chief Robert Lloyd TFD – Request Approval of Tiverton Emergency Operation Plan**

- 2. Councilor Coulter – EBEC Enabling Legislation – Discussion and Possible Action**
 - a. Apex Land Lease and Wind Easement**

- 3. Town Administrator – Appointment of Acting Town Planner**
 - a. Memorandum From Town Solicitor**
 - b. Administrator’s Interim Employment Agreement**
 - c. Planning Board Chairman Stephen J. Hughes Recommendation**

F – FINANCIAL BUSINESS:

- 1. Town Administrator – Request Transfer of Funds**
 - a. From Acct#554-451 (Snow Removal) to Acct#554-611(Fuel) in the Amount of \$5,000**
 - b. From Acct#554-451 (Snow Removal) to Acct#554-648 (Repairs)\$9,900 for Utility Truck Body and Flammable Chemical**

Storage Cabinet & Storage Container for Tires Per Fire Marshal

2. Trustees of Tiverton Library Services – Request Additional Funds for FY 2012 to Cover Health Insurance Shortfall of \$33,000

3. Town Administrator – Requests Transfer of \$12,6000 From Acct#102-890 (Council Contingency) to Acct#107-398 for the Purpose of DEM Permits Relative to the Industrial Park

G - NEW BUSINESS:

1. Councilor Leonard – Schedule a Council Workshop With Other Committees, Commissions and Boards to Discuss/Evaluate Wind Power and Other Alternative Energy Proposals As Well As Development Plans for Tiverton Industrial Park

2. David E. Vannier, Harbormaster – Request Permission to Hold A Flare Testing Night At Fogland on June 9th With The Assistance of The Fire Department

3. Councilor Leonard – Discussion and Possible Vote on a Resolution Opposing Passage of “Dry Lands” Legislation Because of Its Negative Impact on Town Zoning

a. Solicitor’s Proposed Resolution

b. Proposed Legislation and Backup From Jane Weidman, AICP and RI Builders Association

H – BIDS AND REQUESTS FOR PROPOSALS

- 1. Chief Thomas Blakey- Request Award of Bid for Town Veterinary Services (Animal Shelter Services) to Sakonnet Veterinary Hospital, 1320 Main Road- For the Period of July 1,2012 thru June 30,2015**

- 2. Town Administrator – Request Authority to Solicit Bids for Tiverton Senior Center Ramp Replacement**

- 3. DPW Director, Stephen Berlucchi – Request Waive Advertising and Bidding Requirements to Award a Bid to Sole Source Vendor – Sprung Structures, Inc. for Repairs to the DPW Salt Storage Structure**

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. Council 94 Dept Head Unionization**
 - a. Brief of Petitioner**
 - b. Brief of Town of Tiverton**

- 3. Bay Street Mercury Superfund Site – Administrative Settlement Agreement with EPA**
- 4. Cook v Tiverton Town Council - Open Meetings Act – Decision of Attorney General**
- 5. Campbell v Tiverton (TYC) –Access To Public Records Act – Decision of Attorney General**
- 6. Memorandum on Charter Requirement for Board Members**

L- TOWN CLERK ANNOUNCEMENTS

- 1. Scheduling of Interviews for Municipal Court Judge**

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) – Collective Bargaining Department Heads (Council 94) Unionization**
 - a. Litigation**
 - b. Town Planner Vacancy**

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.”