

TIVERTON TOWN COUNCIL AMENDED AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Monday, June 11, 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: 06-07-2012

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. No Minutes Available

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

a. Art's Council (2)

b. Conservation Commission (2)

c. Open Space Commission

d. Personnel Board (2)

e. Wastewater Management (2)

f. Planning Board (2)

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

**a. Copy of Letter to Legislators Opposing H-7866 and S-2616
Relating to Dry Lands Bill**

b. Received From Samaritans of Rhode Island Thanking for Donation

**c. Received From Cynthia Allen, Historical Society – Invitation to
Tales of Tiverton Event**

**d. Resolution Received From Tiverton School Committee Opposing
Any and All Binding Arbitration Legislation Being Considered for
Teacher and Other School Employee Contracts**

**e. Resolution Received From Tiverton School Committee Urging
Support of S-2158, H-7272 and H7863 Relative to Moving the Teacher**

Layoff Notice Deadline From March 1 to June 1st.

f. Resolution Received From Tiverton School Committee Opposing H72350, H2012 and S-2532 Mandating Expired Contracts Must Continue at the Existing Terms and Conditions

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

Distribution of Notice of Preliminary Plan Decision

(C.A.) 5. Jane Bitto, Evelyn’s Restaurant – Request Scheduling of Public Hearing on July 9, 2012 for Sound Variance For Event “Singing Out Against Hunger “ To Take Place On September 14, September 15, and September 16

(C.A.) 6. Coastal Roasters – Request Scheduling of Public Hearing on July 9, 2012 for Sound Variance For Event “Singing Out Against Hunger” To Take Place On September 14th and September 16th

(C.A.) 7. Councilor Leonard- Committee Membership- Request Town Clerk Review Membership and Report on June 25th Meeting

(C.A.) 8. Denise Saurette, Treasurer – Distribution of May Revenue and Budget Reports

A-1 OPEN PUBLIC FORUM

Public Forum for Announcements, Comments, Questions

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Patrick Hayes, Request Sound Variance From Wedding In Back Yard On June 16, 2012. DJ

Will Be Inside A Walled Event Tent From 5pm to 10 pm.

C. BOARD OF LICENSING

NON ADVERTISED LICENSE

1. Charles R. Mulcahy, 65 Beech Ave., Request Late Annual Renewal Private Detective License – Subject To Meeting All Legal Requirements

2. American Promotional Events East, d/b/a TNT Fireworks, 4003 Helton Drive, Florence, Alabama - Request Approval of Holiday License to Sell Fireworks at 525 Main Road – Subject To Meeting All Legal Requirements

D - APPOINTMENTS & RESIGNATIONS:

Appointments (Group B and Any Vacancies in Other Groups)

a. Cemetery Commission (One Vacancy – 3 year term to April 15, 2015)

- 1. JoAnn Bollin, 63 Ash Ave. (New Request)**
- 2. Eileen Hall, 200 Kenyon Road (New Request)**

b. Economic Development Commission – (Two Vacancies – 4 Year Terms)

- 1. Scott Humphrey, 268 Nanaquaket Road (Re-appointment to July 15, 2016)**
- 2. Jonathan A. Cottrell, 35 Main Road (New Request to July 15, 2016)**

c. Harbor & Coastal Waters Management Commission – (One Vacancy – 2 Year Term)

- 1. Melinda Foley-Marsello, 3991 Main Road (New Request to July 15, 2014)**
- 2. Bruce H. Cox, 35 Sunset View Drive (Re-appointment to July 15, 2014)**
- 3. David Stewart, 593 Highland Road (Re-appointment to July 15, 2014)**

d. Art's Committee – (One Vacancy– Unexpired Term to April 15, 2013)

- 1. Resignation of Darcy Schultz, 1903 Crandall Road**
- 2. Appointment Request by Wanda C. Longshaw, 24 Chester Street**

e. Zoning Board of Review

- 1. John R. Jackson, 24 Bourne Ave (Re-appointment to July 15, 2017)**

**2. Wendy Taylor Humphrey, 3198 Main Road – Alternate –
(Re-appointment to July 15, 2013)**

E - UNFINISHED BUSINESS:

**1. Councilor Leonard – Update of Comprehensive Community Plan –
Continued From May 21st**

**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

**2. Council Coulter – Town Administrator As Spokesperson And
Related Policies**

F – FINANCIAL BUSINESS:

**1. Town Administrator – Request Transfer of Funds in Fire
Department**

**a. From Acct#331-610 (Heat) to Acct#331-611(Fuel) in the Amount of
\$6,000**

b. From Acct#331-612 (Electricity) to Acct#331-611 (Fuel) for \$5,000

**c. From Acct#331-668 (Medical Physicals) to Acct#331-669 (Medical
Supplies)**

2. Town Administrator – Status of Budgeted Expenditures

3. Town Administrator – Request Approval to Transfer Funds in the Amount of \$25,000 From Account#105-391(Labor Counsel) to Account #105-359 (Litigation)

4. Town Administrator – Requests Transfer of \$12,600 From Acct#115-100 (Planner Salary) to Acct#112-693 (Grant/Permit Applications) for the Purpose of DEM Permits Relative to the Industrial Park

G - NEW BUSINESS:

1. Councilor Leonard – Schedule a Council Workshop To Obtain/Provide Information About Competing Proposals to Utilize the Tiverton Industrial Park

2. Councilor Coulter – Request Council Schedule Open Public Workshop Focused on Planning/Zoning Topics of Concern

3. Councilor Nelson – Discuss Status of EBEC Legislation and Possible Vote

a. House Version H7592 Sub- A Calling for Sub Committee

b. Governor Chafee’s Letter Regarding EBEC Legislation

4. Councilor Nelson – Single Stream Recycling and Effects on One Bin, One Barrel Policy

5. Councilor Lambert – Authorizing Ms. Pelletier To Utilize Funds From feral Cats Spay/Neuter Account

H – BIDS AND REQUESTS FOR PROPOSALS

1. Chief Robert D. Lloyd- Request Permission to Seek Bids for the Purchase of a Fire Engine as Approved at the Financial Town Referendum

2. Chief Robert D. Lloyd- Request Permission to Seek Bids for the Purchase of a Medical Rescue Vehicle as Approved at the Annual Financial Town Referendum

3. Town Administrator – Request Authority to Solicit Bids for Tiverton Senior Center Ramp Replacement – Continued From May 21, 2012 Meeting

4. DPW Director, Stephen Berlucchi – Request Authorization to Advertise for Bids to Purchase a Commercial Grade Portable Power Washer

5. Town Administrator/ DPW Director – Request Award of Bids as Recommended by DPW Director

a. Bituminous Concrete Paving to Low Bidder Cardi Corporation

b. Road Materials to Low Bidder G. Lopes Construction, Inc, Taunton, MA

c. High Density Polyethylene Pipe to Low Bidder Easton Winwater Works, West Bridgewater, MA

d. Concrete Block Catch Basin Structures to Low Bidder Hi-Way Concrete Pro. Co., Inc., Wareham, MA

e. Catch Basin Frames and Grates to Low Bidder Easton Winwater Works Co., West Bridgewater, MA

f. Unleaded Gasoline ,Clear Ultra Sulfur Diesel to Low Bidder Dennis K. Burke Inc., Chelsea, MA

g. Daily Landfill Cover to Low Bidder LAL Construction Co., Inc., Fall River MA

6. Leroy Kendricks, Wastewater Management Chairman-Request Permission to Advertise a Request for Proposals for a Wastewater Facilities Plan Update

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
May 17, 2012 DEM Inspection Report Received May 23rd**
- 2. Campbell/Moran v Town of Tiverton (TYC)**
 - a. Motion to Reinstate Appeal**
 - b. Objection To Motion To Reinstate by Moran**
 - c. Objection To Motion To Reinstate by Campbell**

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

- 1. Litigation – 42-46-5(a)(2) –McInnis v. Town of Tiverton Zoning Board Sitting As Board of Appeals**
- 2. Collective Bargaining – 42-46-5(a)(2)-AFSCME, IAFF, IBPO and Council 94(Dept Heads)**

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.”