

**Tiverton Town Hall  
343 Highland Road  
Tiverton, Rhode Island 02878**

**Regular Meeting: Tuesday, August 14, 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: 08-09-2012**

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

**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 July 23, 2012**

**Councilor Leonard abstained - Absent**

**b. Approval of Executive Session Minutes Held on July 23, 2012**

**Councilor Leonard abstained – Absent**

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

**a. Tiverton Planning Board (2)**

**b. Wastewater Management Commission (2)**

**c. Zoning Board of Review**

**d. Art's Commission**

**e. Historic Cemeteries Commission**

**f. Board of Canvassers (2)**

**g. Pocasset Cemetery Commission**

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

**a. Kate Michaud, Administrative Officer -Review of Major Land Development: Master Plan Site**

**Ready Materials & Recycling Co., Inc.**

**b. Federal Emergency Management Agency- Regarding Notice of the Proposed Flood Hazard Determinations in the Federal Register**

**c. Copy of Letter to Governor Chaffee From Elaine A. Berry Regarding**

## **Sakonnet River Bridge Tolls**

**d. Received From Kate Michaud, Administrative Officer Response to Document Submitted by Mr. Gerald Felise to Town Council (Previously Distributed)**

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

**(C.A.) 5. Kate Michaud, Planning Board Administrative Officer Report of Activities for July 2012**

**(C.A.) 6. Schedule Public Hearing on October 9, 2012 - Recommendation of Planning Board – Draft Zoning**

**Text Amendment Article VIII – Watershed Protection Overlay District**

**(C.A.) 7. Councilor Chabot and Councilor Nelson – Request EBEC Meeting Minutes, Expense Accounting**

**for 2011 & 2012 and Final Report on EBEC Public Corporation Initiative – Response – Referred to Town Solicitor**

**A-1 OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS**

**1. Public Input on Nonquit and Ranger School Proposals**

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

- 1. Tiverton Land Trust –Public Hearing for Sound Variance of Amplified Music on Saturday, September 15th, from 10 am to 4 pm. For Pardon Gray Day, Pardon Gray Preserve, Main Road**
  
- 2. Outdoor Hydronic Heaters, Proposed Amendment to Code of Ordinances- Public Hearing Continued**  
**From June 25th Meeting**
  - a. Planning Board Recommendation Dated July 19, 2012**
  
- 3. Public Hearing For Proposed Addition to Code of Ordinance Governing Sale and Storage of Fireworks**
  
- 4. Public Hearing For Proposed Amendment to Code of Ordinances; Changes to “No Bin, No Barrel”**  
**Policy to Reflect Single Stream Recycling**
  
- 5. Public Hearing For Proposed Amendment to Code of Ordinances for Late Property Tax Payment**  
**Waiver Program**

## **C. BOARD OF LICENSING**

- 1. Dawn Brooks-Rapp, Acacia Cafe Food Truck – Request Hawkers License for Parking of Food Truck at Bliss Four Corners – Subject to**

## **Meeting All Legal Requirements**

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

### **E - UNFINISHED BUSINESS:**

**1. Councilor Coulter – Comprehensive Strategy to Oppose Tolls on Sakonnet River Bridge**

**Schedule Public Input Hearing on August 27th**

### **F – FINANCIAL BUSINESS:**

### **G - NEW BUSINESS:**

**1. Ratification of IAFF Contract 7/1/2012 to 6/30/2015 With Impact Summary**

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

**1. DPW Director, Stephen Berlucchi - Request Award of Bid for Purchase of Steel Mobile Storage Unit to Valtran Inc., for \$3,700**

**2. Janice Gomes, Senior Center Director – Request Permission to Advertise for Part-Time Senior Center Bus Driver**

**3. Chief Thomas Blakey - Request Award of Bid for Purchase of Two Police Cruisers to Central Dodge of Raynham, Massachusetts for Low**

**Bid of \$48,794 and \$2,320 for the Five Year, 75,000 Mile Package**

**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. Viera v. Tiverton –NC 2003-672**

**a. Second Amended Verified Complaint**

**b. Answer to Second Amended Verified Complaint**

**3. Access to Public Records Act – Designate Public Record Officers**

**4. Rhode Island Renewable Energy Siting Partnership – Upcoming Public Meetings and Public Comment Deadline**

**L- TOWN CLERK ANNOUNCEMENTS**

**5. CLOSED EXECUTIVE SESSION**

**1. Prospective Business or Industry 42-46-5(a)(6) and Disposition of Publicly Held Property (Industrial Park) 42-46-5(a)(5)**

**a. EBEC**

**b. Apex Energy**

**2. Litigation – 42-46-5(a)(2) - William McLaughlin vs Zoning Board of Tiverton – NC-2011-535**

**3. Disposition of Publicly Held Property – 42-46-5(a)(5) – Nonquit and Old Ranger School**

**4. Councilor Chabot – 42-46-5(a)(2) – Litigation – Quarterly Status Report On All Pending 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.”**