

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

Regular Meeting: Monday, August 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: 08-23-2012

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 Executive Minutes From Regular Council Meeting Sept 19, 2011

Previously Distributed - Councilor Roderick abstained – Absent

b. Approval of Executive Minutes From Special Council Meeting Sept 26, 2011

Previously Distributed - Councilor Nelson abstained – Absent

c. Approval of Minutes From Regular Council Meeting April 4, 2011 - Previously Distributed

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

a. Board of Canvassers (4)

b. Recycling/Landfill Committee (2)

c. Zoning Board of Review

d. Economic Development Commission

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

a. Portsmouth Town Council – Resolution Opposing the Instituting of Tolls on the New

Sakonnet River Bridge

b. Received From Roger Bennis Regarding Fort Barton School Swamp – Response by Town

Administrator

c. Received From RIDEM Regarding Re-issuance of the Rhode Island Pollutant Discharge

Elimination System General Permit for Stormwater Discharges from Small Municipal

Separate Storm Sewer Systems

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

(C.A.) 5. TYC, Inc. And Franklin D. Raposa, Peter Corr, and Richard Toulon as Trustees under Declaration

of Trust Dated May 6, 1957 – Requests Amendment to Zoning Ordinance, Article VI Other District

Regulations, Section 7 by Adding Sections to Allow The TYC to Install an ISDS System and Thereby

Rebuild – Referred to Planning Board

(C.A.) 6. Town Treasurer Denise Saurette

a. June 30, 2012 Revenue and Expense Reports

b. July 31, Revenue and Expense Reports

A-1 OPEN PUBLIC FORUM FOR ANNOUCEMENTS, COMMENTS, QUESTIONS

Town Council Proclamation to Eric Watne – 2012 US Master's National Rowing Champion

1. Opposition to Tolls on Sakonnet River Bridge

Honorable Senator Walter S. Felag, Jr. Honorable Representative John G. Edwards

Honorable Senator Louis P. DiPalma Honorable Representative Daniel P. Gordon, Jr.

Honorable Senator Christopher Scott Ottiano

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

1. Tiverton Harbor and Coastal Waters Management Plan –Public Hearing

a. Comments by Councilor Chabot

C. BOARD OF LICENSING

1. David Sisson, David Sisson Contracting – Request Street Excavators License – Subject to Meeting All Legal Requirements

D - APPOINTMENTS & RESIGNATIONS:

1. Planning Board – One Vacancy to Expire October 15, 2015

a. John Hughes, 222 Nanaquaket Road – New Request for Appointment

b. Kathryn E. Ryan, 8 Bridgeport Road – New Request for Appointment

c. Rosemary Eva, 4019 Main Road – New request for Appointment

2. Tiverton Library Board of Trustees – Four Vacancies to Expire October 15, 2015

a. Jennifer Theroux, 114 Riverside Drive

b. James Barrett, 5 Pine Tree Road

c. Maureen Morrow, 47 Peaceful Way

d. Leon W. Hoyer, MD, 27 Sloop Lane

3. Juvenile Hearing Board – One Vacancy to Expire October 15, 2015

a. Richard E. Bush III, 251 Dear Run Road

Juvenile Hearing Board Alternate Member – One Vacancy to Expire October 15, 2013

b. Eugene Raposa, 413 Hooper Street

4. Tiverton Housing Authority One Vacancy for Resident Member to Expire October 15, 2017

a. Sr. Michaelinda Plante, RSM, 99 Hancock Street

**5. Board of Canvassers – One Vacancy to Exp. October 15, 2018–
Nomination by Council President**

Democrat List Republican List

Richard C. Sardinha DeEtta Moran

Susan M. Connor Granger Jerome

Thomas J. Clegg Jesse Bertholde

Elizabeth St. Ours Sandra Balfour

Leonard C. Wright Tammy Balfour

6. Tax Assessment Board of Review – One Vacancy to Expire October 15, 2015

a. Judith A Jones, 1749 Main Road

7. Historic Preservation Advisory Board – One Vacancy to Expire October 15, 2015

a. Susan Anderson, 1137 Main Road

E - UNFINISHED BUSINESS:

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

F – FINANCIAL BUSINESS:

G - NEW BUSINESS:

1. Town Administrator – Approval to Appoint Retired Tiverton Police Officer Charles Mulcahy as a Special Police Officer

2. Councilor Nelson – Policy, Procedure and Enforcement Regarding Political Signs - State, Private and Town Property Including Telephone Poles

a. Gareth Eames, Building/Zoning Official Response

b. Board of Canvassers Memorandum Received From RIDOT

3. Town Administrator – Tiverton Enterprise Park - Request Council

Approval to Pursue Option #2 as Presented by Marcel Valois of the Economic Development Foundation of RI Including the Pursuit of Funding for Infrastructure Improvements

4. Leroy Kendricks, Wastewater Management – Request Authorization for the Town Administrator to Prepare the Documents and to Seek Financing of a Facilities Plan Update Through the FPLP Program

H – BIDS AND REQUESTS FOR PROPOSALS

1. DPW Director, Stephen Berlucchi - Request Award of Bid for Purchase of Sullivan-Palatek Model D21Q Diesel Compressor to ATS Equipment Inc., East Providence for \$16,799

2. DPW Director, Stephen Berlucchi - Request Award of Bid for Purchase of Crown Model 1103 C9 Concrete Mixer to Hartford Paving & Materials, Johnston, RI for \$3,195

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. Councilor Coulter – Planning & Zoning Process Issues Forum Sept 8, 2012

a. Proposed Agenda and Guidelines

b. Report by Town Solicitor on Facilitator

c. Approval of Hiring Cecil Group as Facilitators

d. Town Administrator Memorandum to Department Head

2. Councilor Coulter - Comprehensive Strategy to Oppose Tolls on Sakonnet River Bridge

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. Brief Update on Tiger Tree/James Pelletier v Tiverton

2. Approval of Purchase and Sale Agreement for Old Ranger School

3. Access to Public Records Act – Vote to Designate Public Record Officers, Policy and Procedures

L- TOWN CLERK ANNOUNCEMENTS

5. CLOSED EXECUTIVE SESSION

1. Disposition of Publicly Held Property – 42-46-5(a)(5) – Tiverton Industrial Park

2. Litigation - 42-46-5(a)(2)– Quarterly Status Report On All Pending Litigation

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

4. Litigation – 42-46-5(a)(2) - Bay Street Contamination

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.”