

# **TIVERTON TOWN COUNCIL AGENDA**

**Tiverton Town Hall**

**343 Highland Road**

**Tiverton, Rhode Island 02878**

**Regular Meeting: Monday, March 11, 2013 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: 03-07-2013**

## **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **2. ROLL CALL**

**Edward Roderick-President Joan B. Chabot Denise M.  
deMedeiros-Vice President William P. Gerlach  
James J. Arruda Jay J. Lambert  
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 Regular Council Meeting February 25, 2013**

**b. Approval of Executive Session Council Minutes of February 25, 2013**

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

**a. Wastewater Management Commission**

**b. Art's Council**

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

**a. Invitation From Mayor Winthrop, City of Newport to Participate in the March 16, 2013 Annual Saint Patrick's Day Parade and Festivities**

**b. Tiverton School Committee - Resolutions Supporting Legislation to Change the Layoff Notification Date for Public School Teachers, Supporting Legislation to Prevent Tolling on the Sakonnet River Bridge and Supporting Senate Bill S 020 and House Bill H 5137 Preventing RIDOT From Turning Control of the Bridge Over to the RI Turnpike and Bridge Authority**

**c. City of Newport – Resolutions Supporting Efforts to Remove Illegal Guns From Our Streets and Supporting Legislation to Eliminate the Dollar Amount That a Local Licensing Authority May Impose for**

**Advertising and Administrative Costs Related to Processing Liquor License Renewals**

**d. Town of Charlestown Resolution to Support Repeal of RI General Law 17-19-15 Party Levers or Master Lever Voting**

**e. Barbara Pelletier – Report on Meeting in Bristol by RI Small Business Development Center Regarding Bed and Breakfast Seasonal Room Rentals for the Region**

**f. Barbara Pelletier, Representative – Report of February Discover Newport Tourism**

**g. RIPTA Notice of Meeting for Public Comment Regarding Investigating Options for Reinstating Transit Service to Tiverton and Little Compton on Monday, March 18th at 7pm at Tiverton Town Hall**

**(C.A.) 4. Wastewater Management Commission – Approval of RIDEM Project Priority List for Projects State Fiscal Year 2014**

**(C.A.) 5. Kate Michaud, Administrative Office Planning Board – February 2013 Activities Report**

**(C.A.) 6. Scheduling a Joint Workshop with Planning Board to Outline Approach for the Comprehensive Community Plan Update – Possible Dates April 8 or April 29**

**(C.A.) 7. RIDOT Condemnation Plat 2795 Parcel 1A–Authorization**

## **Full Release of Town of Tiverton**

### **(C.A.) 8. Town Administrator – Resolution and Approval of Police Pension Funding Improvement Plan**

#### **A-9 OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS**

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

#### **PUBLIC PRESENTATIONS**

**1. Normand G. Benoit, Esquire - Bond Counsel – Resolution Of Town Council Of Tiverton Approving The Financing Of The Acquisition, Constructing, Building, Furnishing And Equipping Of A Public Library And To Issue Bonds And Notes In An Amount Not To Exceed \$7,000,000**

**2. Normand G. Benoit, Esquire - Bond Counsel – Discussion of Possible TIF Bond Refinancing**

#### **NON-ADVERTISED PUBLIC HEARING**

**3. Town Council Sitting As Charter Monitoring and Complaint Review Board**

**Charter Violation Complaint by Justin Katz Against Town Clerk  
Nancy L. Mello**

**C. TOWN COUNCIL SITTING AS BOARD OF LICENSING**

**1. Robert Vital d/ b/a East Coast Wholesale– Requests Approval of  
Fireworks Permit at 1560 Bulgarmarsh Road, Rte 177 Flea Market  
From April 1, 2013 to July 4, 2013 – Subject To Meeting All Legal  
Requirements – Copied to the Fire Chief**

**D - APPOINTMENTS & RESIGNATIONS:**

**1. Annual Appointment of Administrative Officer**

**a. Recommendation of Planning Board**

**Kate Michaud**

**E - UNFINISHED BUSINESS:**

**1. Town Administrator – Approval of Advertising and Job Description  
for Position of Town Planner**

**Planning Board Memorandum As To Role of Town Planner**

**2. Town Administrator – Discussion and Approval of Revised Model  
Contract**

**F – FINANCIAL BUSINESS:**

**1. Councilor deMedeiros – Discussion on 2013/2014 Budget**

**a. Approval of Final Fiscal Year 2013/2014 Proposed Budget and Submit to Administrator**

**b. Approval of Final Fiscal Year 2013/2014 Proposed Revenues and Submit to Administrator**

**G - NEW BUSINESS:**

**H – BIDS AND REQUESTS FOR PROPOSALS**

**I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS**

**1. Distribution of Town Owned Vehicle List**

**J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Councilor Chabot – Approval of Resolution Supporting Lights Off for Earth Hour on March 23rd**

**Requests of Ms. Kelcie Andrade and Miss Bridget Travers**

**K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS**

**1. Town of Tiverton v. LAL Construction Company, Inc. et. al. – Case #NC-2013-0087**

**a. Tiverton Motion For Temporary Restraining Order and Preliminary Injunction**

**b. Defendants' Objection To Plaintiff's Motion For temporary Restraining Order**

**c. Defendants' Cross Motion to Continue Plaintiff's Motion for a Tro/Preliminary Injunction or in Alternative To Set An Expedited Discovery, Motion and Trial Schedule On The Plaintiff's Claims and Forthcoming Defendants' Counterclaims As To Existing Uses of The Property**

**2. a. Westport I. Trust vs Tax Assessor Town of Tiverton -NC-2013-0090**

**b. Westport Stevens LLC vs Tax Assessor Town of Tiverton - NC – 2013 – 0089**

**3. Memorandum to Wastewater Management Commission regarding Extension of Sewer System**

**4. Stafford Pond – Ordinance Amendments**

**a. Report of Meeting With RIDEM**

**b. Proposed Ordinance Amendments to Protect Water Quality and Establish Advisory Committee – Scheduling of Public Hearing on April 8th**

**c. Proposed Ordinance Amending No Parking From South Intersection of Stafford Road and Old Stafford Road Northerly to a Point 50 Feet South of Pole #943 (Approximately Adjacent to #997 Old Stafford Road)– Scheduling of Public Hearing on April 8th**

## **L- TOWN CLERK ITEMS AND ANNOUNCEMENTS**

### **5. CLOSED EXECUTIVE SESSION**

**1. Town Solicitor – 42-46-5(a)(2) –Litigation – Town of Tiverton v. LAL Construction Company, Inc. et. al. – Case #NC-2013-0087**

**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.”**