

TIVERTON TOWN COUNCIL AGENDA

Tiverton Town Hall

343 Highland Road

Tiverton, Rhode Island 02878

Regular Meeting: Tuesday, May 28, 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: 05-23-2013

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

**Edward Roderick-President Joan B. Chabot Jay J.
Lambert Denise M. deMedeiros-Vice President William P.
Gerlach Brett N. Pelletier
James J. Arruda**

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.

A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

(C.A.) 1. a. Approval of Minutes Regular Council Meeting May 13, 2013

b. Approval of Executive Session Minutes May 13, 2013

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

a. Board of Canvassers (3) d. Wastewater Management

b. Economic Development e. Historical Cemeteries Commission

c. Prevention Coalition f. Personnel Board

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

a Charlestown Town Council–Resolution Opposing H-5953 and S-815 Regarding Large Scale

Commercial Production Wind Energy Generators (Wind Turbines)

b. South Kingstown Town Council – Resolution In Support of S-836 and H-5935 Related to Streetlights Reform Program

c. Town of North Kingstown – Resolution Opposing Legislation Related to Renewable Energy That Does Not Comply With RI Statewide Planning and URI RESP Guidelines

d. Town of Jamestown Related to Constitution Amendment to Include RI General Assembly Under the RI Code of Ethics

e. Town of Scituate Resolution Opposing Legislation to Create the Ocean State Regional Water Authority

(C.A.) 4. Distribution of Department Monthly Reports for April

(C.A.) 5. Approval of Tax Assessor Abatement

**A-6 - OPEN PUBLIC FORUM FOR ANNOUNCEMENTS,
COMMENTS, QUESTIONS**

B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS

PUBLIC PRESENTATIONS

ADVERTISED PUBLIC HEARINGS

1. Proposed Amendment to Code of Ordinances Adding New Chapter 8: Substances Prohibited

2. Public Hearing – Proposed Amendments to Code of Ordinances Chapter 15 – Drinking Water Reservoirs (Sections 15-1 Through 15-5)

a. Councilor Gerlach Report on Meeting with DEM Director Coit on May 15th

b. Resolution by North Tiverton Fire District Supporting Any and All Measurers to Restrict motorized Recreational Activity on Stafford Pond

C. TOWN COUNCIL SITTING AS BOARD OF LICENSING

NON ADVERTISED LICENSE

1. TNT Fireworks, West haven, Ct. - Requests Approval of Fireworks Permit and Holiday License at 527 Main Road, From June 18, 2013 to July 9, 2013 – Subject To Meeting All Legal Requirements – Response From Fire Department

2. Joshua Pavao d/b/a Cigarsmiths - Requests Approval of Tobacco Dealers and Holiday License at 115 Stafford Road– Subject To Meeting All Legal Requirements

D - APPOINTMENTS & RESIGNATIONS:

1. Wastewater Management Commission – 3 Year term Expiring 4/15/2016

Leroy E. Kendricks, 53 Rhododendron Drive

E - UNFINISHED BUSINESS:

1. Town Administrator – Ratification of Tax Collector 3-Year Contract – July 1, 2012 Through June 30, 2015 – Toni Lyn McGowan – Noticed per Charter

2. Town Administrator – Ratification of Fire Chief 3-Year Contract – January 4, 2013 Through January 3, 2016 – Chief Robert Lloyd – Noticed per Charter

3. Town Administrator – Ratification of DPW Director 3 – Year Contract – January 7, 2013 Through January 6, 2016 – Stephen Berlucchi – Noticed per Charter

F – FINANCIAL BUSINESS:

1. Town Administrator – Request Council Approval to Transfer Funds Within Fire Department to Cover Overtime as Result of Resignations Causing Overtime to Meet Minimum Staff Requirements

From Acct 331-101 (Base Salary) to Acct 331-102 (Overtime) Amount \$25,000

From Acct 331-105 (Holidays) to Acct 331-102 (Overtime) Amount \$3,100

From Acct 331-106 (Longevity) to Acct 331-102 (Overtime) Amount \$3,600

G - NEW BUSINESS:

1. Library Board of Trustees and Building Committee – Request Tiverton New Library Project be Exempted from Town Agencies Fees

2. Councilor Lambert – Landfill Closing: Projections for Revenue, Costs and Closing Data

H – BIDS AND REQUESTS FOR PROPOSALS

1. Town Maintenance, Bob Martin – Request Authorization to Advertise Bids for Replacement of North Tiverton Fire Station Roof

I - TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS

1. LAL Construction Company, Inc., Eagleville Road Realty, LLC, Pleasant Rentals, Sales & Construction, Inc. d/b/a Site-Ready Materials and Construction Company and Marcello Louro

v. Town of Tiverton

a. Summons for United States District Court

b. Plaintiff's Complaint in United States District Court

c. Indemnification of Individuals Named in Suit

2. Possible Participation In Federal Lawsuit Regarding Sakonnet River Bridge Tolls

- a. Letter from Portsmouth to FHA/RIDOT**
- b. Portsmouth's Complaint in United States District Court**

3. Nonquit School

- a. Letter from Narragansett Indian Tribe's Attorney**
- b. Town Solicitor's Response**

4. Town of Tiverton v. James & Melissa Pelletier (Tiger Tree)

L- TOWN CLERK ITEMS AND ANNOUNCEMENTS

1. Scheduling and Advertising of Public Input Hearing for Wastewater Facilities Plan Update

As Council Workshop/Meeting at Tiverton High School

2. Schedule Council Workshop Regarding Wind Energy

5. CLOSED EXECUTIVE SESSION

1. Town Solicitor–Litigation – 42-46-5(a)(2)–LAL Construction et al v. Town of Tiverton

2. Town Solicitor–Possible Litigation– 2-46-5(a)(2)–Sakonnet River Bridge Tolls

3. Town Solicitor–Possible Litigation–42-46-5(a)(2)–Narragansett

Indian Tribe

4. Town Solicitor–Possible Litigation–42-46-5(a)(2)–Town of Tiverton v. James and Melissa Pelletier

5. Town Administrator - Prospective Business or Industry-42-46-5(a)(6) – Industrial Park

6. Town Administrator - Collective Bargaining - 42-46-5(a)(2) – Teamsters

7. Town Council – Personnel Performance – 42-46-5(a) – Tax Collector, DPW Director and Fire Chief- Notice Provided Per Open Meetings Act

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.”