

**AGENDA FOR THE REGULAR MEETING
OF THE TOWN COUNCIL
OF THE TOWN OF EXETER, RHODE ISLAND
675 TEN ROD ROAD
EXETER, RI 02822**

**JUNE 5, 2006
7:15 P.M.**

**MEETING LOCATION: Town Council Chambers
Exeter Town Hall
675 Ten Rod Road, Exeter**

**No. 1 INVOCATION AND PLEDGE OF ALLEGIANCE: Town Council
Member Ross L. Aker**

No. 2 CALL TO ORDER: ROLL CALL:

**No. 3 PUBLIC COMMENT: Comments are not limited to items on this
evening's agenda; however, items not on this agenda will only be
heard and not acted upon by the Town Council unless they are of an
emergency nature (3 minute time limit per item, 15 minute maximum
time allowed for this agenda item)**

7:30 P.M.

**No. 4 CONSENT AGENDA: Consent Agenda Items are approved in one
motion (outlined on pages 6, 7, 8, 9 & 10)**

No. 5 APPROVAL OF MINUTES:

- A. Town Council Meeting of May 1, 2006**
- B. Special Town Council Meeting of May 24, 2006**
- C. Special Town Council Meeting of May 30, 2006**
- D. Executive Session of May 1, 2006**

No. 6 APPROVAL OF AGENDA ORDER

No. 7 APPOINTMENTS AND VACANCIES:

A. VACANCIES:

- 1. Board of Assessment Review Alternate
(term of Richard DiCicco)**

2. **Personnel Board Members**
(5 Members to replace prior Board)
3. **Conservation Commission**
4. **Affordable Housing Advisory Board**
(1 At-Large Member)
5. **Juvenile Hearing Board**
(replacement for John Grasso)

B. APPOINTMENTS:

1. **Reynolds Charitable Trust Committee Member**
(Replacement for James Wheaton)
2. **Historic Preservation Commission**
(new Commission, 7 members)

C. EXPIRING TERMS:

1. **Planning Board**
 - a. **J. Michael Abbott, Member**
(expires 7/2006)
 - b. **Thomas Cardillo, Alternate**
(expires 7/2006)
 - c. **Kathleen M. Staley, Alternate**
(expires 7/2006)
2. **Zoning Board of Review**
 - a. **Kathleen Ward-Bowen, Member**
(expires 7/2006)
 - b. **Ruth Waterman, Alternate**
(expires 7/2006)

No. 8 REPORTS OF OFFICERS, BOARDS, COMMITTEES:

- A. **TAX COLLECTOR'S REPORT, REMITTANCES AND ABATEMENTS: Tax Collector Lynette L. Lussier***
- B. **TOWN TREASURER'S REPORT: Town Treasurer Richard D. Walker***
- C. **TRANSFER STATION COORDINATOR'S REPORT: Town Council President William J. Devanney, DDS***

- D. ECONOMIC DEVELOPMENT COMMISSION LIAISON'S REPORT: Town Council President William J. Devanney, DDS***
- E. SCHOOL DISTRICT LIAISON REPORT: Town Council Member Ross L. Aker***
- F. TOWN PLANNER'S REPORT: Town Planner David W. Schweid, AICP***
- G. PUBLIC WORKS DEPARTMENT COORDINATOR'S REPORT: Town Council Member Wayne E. Cross***
- H. ANIMAL CONTROL COORDINATOR'S REPORT: Town Council Vice President Diane B. Allen***
- I. TAX ASSESSOR'S REPORT: Tax Assessor Wendell W. Wilkie, RICA***
- J. FIRE DISTRICT/PUBLIC SAFETY/DISASTER PREPAREDNESS COMMITTEE LIAISON REPORT: Town Council Member Robert E. Johnson, Jr.***
- K. EMERGENCY MANAGEMENT REPORT: Director Robert Franklin and Assistant Director Thomas S. McMillan***
- L. WASHINGTON COUNTY REGIONAL PLANNING COUNCIL REPRESENTATIVE'S REPORT: Town Council Member Ross L. Aker***
- M. EXETER JOB CORPS CENTER LIAISON REPORT: Town Council President William J. Devanney, DDS***
- N. JUVENILE HEARING BOARD REPORT: Town Sergeant Richard S. Brown***
- O. TOWN COUNCIL ASSISTANT'S REPORT: Town Council Assistant Kenneth G. Findlay***
- P. SOLICITOR'S REPORT: James P. Marusak, Esq. of Gidley, Sarli & Marusak**

No. 9 UNFINISHED BUSINESS:

- A. EXETER VETERANS' MEMORIAL COMMITTEE: Commission of Monument to Exeter's Veterans**
- B. OLD TOWN HALL/WOODY HILL SCHOOL: Roof Repairs and Awarding of contract, continued from 5/01/06**

- C. HISTORIC PRESERVATION**
- D. PLANNING BOARD REQUEST: Formation of Waste Water Management District at Ladd Center for Monitoring all ISDS and Adoption of Proposed Ordinance, continued from 5/01/06**
- E. PLANNING BOARD RECOMMENDATION: Zoning Ordinance Amendment for Mixed Use Commercial Developments (2/16/06 letter of Town Planner David Schweid), continued from 4/3/06**
- F. PLANNING BOARD RECOMMENDATION: Zoning Ordinance Amendment for Low and Moderate Income Housing Comprehensive Permit Procedures (2/16/06 letter of Town Planner David Schweid), Continued from 4/3/06**
- G. RECALL PETITION: Ordinance Stabilizing Taxes of Elderly Residents, Special Election Scheduled for July 5, 2006, continued from 5/01/06**
- H. EXETER JOB CORPS CENTER: RIDEM Notice of Non-Compliance ISDS (Wastewater) Treatment Facility, ISDS Application No. 0011-2563**
- I. ACCESS TO MISKIANA TRAIL VIA STATE PROPERTY ALONG ROUTE 2**

No. 10 NEW BUSINESS:

- A. AWARDING OF BID: Haying of Town Farm Property**
- B. AWARDING OF BID (continued from 5/30/06):**
 - 1. Yawgoo Valley Culvert**
 - 2. Overlaying of Town Roads**
- C. ADOPTION OF RESOLUTION: Urging Defeat of Bill H-7280 by the General Assembly**
- D. STIPEND COMPLAINT: Francis P. DiGregorio vs. Wayne E. Cross**
- E. STIPEND COMPLAINT: Francis P. DiGregorio vs. William J. Devanney, DDS**
- F. STIPEND COMPLAINT: Francis P. DiGregorio vs. Diane B. Allen**

- G. JULY 5, 2006 REFERENDUM COMPLAINT: Francis P. DiGregorio vs. William J. Devanney, DDS**
 - H. JULY 5, 2006 REFERENDUM COMPLAINT: Francis P. DiGregorio vs. Wayne E. Cross**
 - I. APPEAL OF STIPEND CASE**
 - J. SCHEDULING OF TOWN COUNCIL MEETINGS**
 - K. NEW EXETER PATROL CAR**
- No. 11 BILLS, APPROPRIATIONS, ABATEMENTS***
- No. 12 COMMUNICATIONS***
- No. 13 OTHER BUSINESS:**
- A. SCHEDULE OF JUNE MEETINGS AND EVENTS***
 - B. REYNOLDS CHARITABLE TRUST: Approval of Vouchers And Signing of Documents***
 - C. 2006-2007 HOLIDAYS***
 - D. ACKNOWLEDGEMENTS***
 - 1. EWG High School Class of 2006 Valedictorian C. J. Walker**
 - 2. EWG High School Class of 2006 Salutatorian Kelsey Luczak**
 - 3. Exeter Memorial Day Parade: Mary Lou Whitford, Holly Appalonia, Tina Pierce**
- No. 14 EXECUTIVE SESSION**
- A. CURRENT LITIGATION**
 - B. LADD CENTER/JOB CORPS**
 - C. LABOR UNION/CONTRACT NEGOTIATIONS**
 - D. PERSONNEL ISSUES**

- E. STIPEND COMPLAINT: Francis P. DiGregorio vs. Wayne E. Cross**
- F. STIPEND COMPLAINT: Francis P. DiGregorio vs. William J. Devanney, DDS**
- G. STIPEND COMPLAINT: Francis P. DiGregorio vs. Diane B. Allen**
- H. JULY 5, 2006 REFERENDUM COMPLAINT: Francis P. DiGregorio vs. William J. Devanney, DDS**
- I. JULY 5, 2006 REFERENDUM COMPLAINT: Francis P. DiGregorio vs. Wayne E. Cross**

No. 15 ADJOURNMENT

***Items marked with an asterisk (*) are approved in the CONSENT AGENDA, unless removed by a Town Council Member by request.**

No. 4 CONSENT AGENDA

- A. Bill Sheet, dated 6/05/06**
- B. Schedule of June Meetings and Events**
- C. Abatements, dated 5/30/06**
- D. Reports**
 - 1. Town Clerk's Report, dated 5/31/06**
 - 2. Probate Report, dated 5/22/06**
 - 3. Treasurer's Report, dated 6/05/06**
 - 4. Tax Collectors's Report, Remittances and Abatements, dated 6/05/06**
 - 5. Animal Control Officer's Reports**
- E. COMMUNICATIONS:**
 - 1. 05/02/06 Application from Jason C. Whitford for the Zoning Board Alternate.**

2. **05/03/06 Letter form the Department of Health with information on the statewide efforts to control mosquitoes.**
3. **05/03/06 Commentary from Frank DiGregorio on alleged Charter violation.**
4. **05/04/06 Letter from the RI Dept. of Transportation regarding proposed improvements to South County Road and Exeter Road.**
5. **05/05/06 Letter from the RI Dept. of Administration, Office of Municipal Affairs on property tax cap.**
6. **05/05/06 Letter from the RI Budget Office /Municipal Affairs on Notice of Proposed Property Tax Change for fiscal year 2006-2007.**
7. **05/05/06 E-mail from RI League of Cities and Towns on House Bill H-6910 that would make cities and towns exempt from paying fuel tax.**
8. **05/08/06 Exeter Grange awards Sgt. Richard S. Brown a plaque naming him “Policeman of the year”.**
9. **05/09/06 The Trust’s 2005 Annual Report, Weathering the Storm.**
10. **05/09/06 Notice from National Grid on dramatic increase in the consumption of electricity in the past seven years.**
11. **05/09/06 Notice of hearing on October 11, 2006 for Violation of Article 19 – RILDC LIUNA Local 1322 vs. Town of Exeter A.A.A. Case No. 809 06.**
12. **05/09/06 RI Department of Health, Model Emergency Operations Plan for Exeter and Southern RI.**
13. **05/10/06 National Grid – Legal notice to abutters of right of way on Tower Hill Road property.**
14. **05/10/06 Letter from Dept. of Health, L. Anthony Cirillo, MD, on Exeter’s roll in development of Continuity of Government (GOG) and Medical Emergency Distribution System.**

15. **05/11/06 Dept. of Health proposed DRAFT of Rules and Regulations on Lead Poisoning Prevention.**
16. **05/12/06 WEB EOC END USER TRAINING sponsored by the RI Emergency Management Agency, Wed., May 31, 2006.**
17. **05/15/06 Resolution adopted by the City of Newport in support of legislation on the housing crisis in RI.**
18. **05/15/06 RI Department of Environmental Management announces the availability of the draft 2006 list of impaired waters, known officially as 303(d) list.**
19. **05/15/06 Newsletter from USI on makers of generics being paid to drop patient challenges, FTC review finds.**
20. **05/15/06 E-mail from Jason Whitford submitting his name for the Planning and Zoning positions.**
21. **05/15/06 RI League of Cities and Towns shows approximate monthly savings analysis for members of "REAP".**
22. **05/16/06 Letter from State asking for information on authorized persons with the authority to order mandatory evacuations.**
23. **05/16/06 Notice of an Unfair Labor Practice Charge filed with the RI State Labor Relations Board by RI Laborer's District Council, June 12, 2006.**
24. **05/18/06 E-mail from Rhode Island League of Cities and Towns on current Senate debate on The Comprehensive Immigration Reform Act of 2006.**
25. **05/18/06 Letter from Environmental Resources Management on site investigation work at Morgan Carbon Technology property.**
26. **05/18/06 Letter from Community College of Rhode Island announcing the All Access Program.**
27. **05/18/06 Letter from Peter Nolan respectfully request the application for variance of Dunkin Donuts Menu Board be withdrawn without prejudice.**
28. **05/19/06 Letter from the Housing Works Rhode Island announcing the 2006 Fact Book.**

29. 05/19/06 Kathleen Ward-Bowen request for re-appointment to the Zoning Board of Review.
30. 05/19/06 J. Michael Abbott request for re-appointment to the Planning Board.
31. 05/19/06 Resolution from the Town of Charlestown in opposition to House Bill 7280 “An Act Relating to Statutes and Statutory Construction - Publication and Distribution of Acts”.
32. 05/19/06 Letter from the Department of Human Services on transfer of land from the Joseph H. Ladd School property to the RI Veterans Cemetery.
33. 05/22/06 Newsletter from the Metcalf Elementary School a Feinstein Leadership School.
34. 05/22/06 Exeter Job Corps Academy is acquire additional land to construct a baseball field and to build a maintenance garage, site map attached.
35. 05/22/06 Resolution from the Town of Charlestown opposing the Providence Tax Plan.
36. 05/23/06 Department of Human Services is in the process of transferring land at the Joseph H. Ladd School to the RI Veterans Cemetery.
37. 05/23/06 Newsletter from the Constellation New Energy News, Spring 2006.
38. 05/24/06 Letter from Catherine M. Baker a Habitat for Humanity home-owner seeking a “tax break”.
39. 05/24/06 Letter from Yvonne Phillips a Habitat for Humanity home-owner seeking a “tax break”.
40. 05/24/06 Application from William Haas for the position on the Planning Board.
41. 05/25/06 Memorandum from the RI League of Cities and Towns with attached letter from the District Court on Non-Attorney Prosecution Officers.
42. 05/25/06 Letter and a listing of savings from REAP membership.

43. 05/25/06 Letter from the Sec. of States Office on records retention and disposition schedule for Municipal Tax Assessors Records.
44. 05/25/06 American Arbitration Association Administrator on AAA Cast No. 11 390 03056 04, Cranston Firefighters Local 1363 and City of Cranston.
45. 05/26/06 Letter from Joseph A. Nagle Pres., Delta Dental of RI with Annual Report.
46. 05/30/06 Letter from the Housing Works RI, thanking the council for their endorsement.
47. 05/31/06 Letter from the RI for Community and Justice asking for Town Council support for Project Respect 2006.
48. 05/31/06 Notice of Public Hearing on proposed Rules and Regulations for Lead Poisoning Prevention (R23-24.6-Pb).
49. 05/31/06 Community Action is operating a Summer Youth Employment Program for local high school students.
50. 06/01/06 RI Association of Conservation Commissions is requesting a list of local Conservation Commission members.
51. 06/01/06 Letter from South County Habitat for Humanity asking the Exeter Town Council for consideration of S.C. Habitat homeowners on taxes.

POSTING STATEMENT: Exeter Town Council Meeting Agenda posted at the following locations:

**EXETER TOWN HALL
EXETER POST OFFICE
EXETER PUBLIC LIBRARY
BLUEBERRY HILL STORE
EWG-TV**

A seventy-two (72) hour notice is required for persons with sensory impairments requiring auxiliary aids by calling 295-7500. The Exeter Town Hall is handicapped accessible. Town Council Meetings are televised on EWG-TV Tuesday and Friday after regular meetings.