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

NOVEMBER 2, 2009
7:15 P.M.

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

No. 1 PLEDGE OF ALLEGIANCE: Town Council President Calvin A. Ellis

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 8, 9, 10, 11 & 12)

No. 5 ACKNOWLEDGEMENTS:

A. ANNUAL FLU CLINIC: Tuesday, November 3, 2009, 2:00 to 4:00 p.m., Exeter Public Library Program Room – cancelled due to shortage of vaccine

B. EWG SPORTS 4 KIDS DEDICATION FOR PHASE 1 OF THE STEPHEN J. ANDERSON MEMORIAL SPORTS COMPLEX AT EWG HIGH SCHOOL, SATURDAY, OCTOBER 17, 2009

No. 6 APPROVAL OF MINUTES:

A. Town Council Meeting of October 5, 2009
B. Executive Session of October 5, 2009

No. 7 APPROVAL OF AGENDA ORDER

No. 8 APPOINTMENTS AND VACANCIES:

A. VACANCIES:

1. Personnel Board Members
(5 Members to replace prior Board)

2. Conservation Commission

3. Economic Development Commission

4. Emergency Management Committee

5. Town Treasurer

6. Other

B. APPOINTMENTS

C. EXPIRING TERMS

No. 9 PUBLIC HEARINGS:

A. LIQUOR LICENSE RENEWALS: December 1, 2009 to November 30, 2010, as advertised

1. Class A Fee: $400.00

a. Exeter Wine & Spirits, Inc. 1, 2
Exeter Package Store
Richard J. Fineberg
254 Nooseneck Hill Road

b. Wolf Rock Wine & Spirits 1
Wolf Rock Wine & Spirits, Inc.
Terrence D. and Donna J. C. Stringer
804 South County Trail

1. Class B Victualers

a. Ski Pro, Inc. 1, 2
Maxwell deWardener
160 Yawgoo Valley Road

b. Yawgoo Bakes & Barbeques, Inc. 1, 2
Patricia Murray & Lynn Patty
555 Slocum Road

c. Exeter Country Club, Inc. 1, 2
Peter Hendrick
320 Ten Rod Road

d. Blackwater Tavern 1, 2, 3
Baird Beverages LLC
Michael Baird
273 Nooseneck Hill Road

e. Homestead Restaurant 1, 2
MST, Inc.
Mathew Thole
750 South County Trail

f. Celestial Café, LLC 1, 2, 3
Cheryl A. Zannella
567 South County Trail, Unit #1

g. Gashy's 1
Gashy Dowlatshahi
Plat 72 Block 2 Lot 10

h. Town Pizza of Exeter & Restaurant, Inc. 1, 2
Helen Hantzopoulos
250 South County Trail

2. Class B Limited Fee: $400.00

a. Little Country Pizza 1, 2
Little Country Pizza, Inc.
Vera Boutros
349 Nooseneck Hill Road

b. Effie Filippou's Twisted Pizza 1, 2
Effie N. Fillippou
567 South County Trail, Unit #107

1=Liquor License 2=Victualing License 3=Dance License

B. LIQUOR LICENSE CAP (12)

C. SECOND HAND DEALER'S LICENSE APPLICATION: Rebecca Marcello, D/B/A Village Consignment LLC, 567 South County Trail, Suite 303, as advertised and noticed Fee: $100.00

No. 10 UNFINISHED BUSINESS

A. HISTORIC PRESERVATION

B. LADD CENTER ISSUES

C. A VISION FOR EXETER: Borderlands Village Innovation Project, continued from 10/05/09

D. CHARTER REVIEW COMMISSION

E. FEE IN LIEU OF OPEN SPACE FUNDS ($38,334.24), continued from 10/05/09

F. REUBEN BROWN LANE DRAINAGE ISSUES, continued from 10/05/09

G. EMPLOYEE PENSION ACTUARIAL SERVICES, continued from 10/05/2009

H. MUNICIPAL BANK ACCOUNTS, continued from 10/05/09

I. GENERATOR FOR EXETER EMERGENCY SHELTER AT METCALF SCHOOL, continued from 10/05/09

J. MUNICIPAL EMPLOYEES' PENSION PLAN REVISION

K. EXETER TOWN TREASURER

L. SCHARTNER FARMS/BALD HILL NURSERY PROPERTY

M. AMENDMENT OF EXETER ZONING ORDINANCE: Article II Zoning District Use Regulations and adding Section 2.4.1-60 entitled "Adult Entertainment Uses" and Section 2.7 entitled "Adult Entertainment Uses", continued from 10/05/09

N. MANTON LIBRARY FUNDS/EXETER PUBLIC LIBRARY, continued from 10/05/09

O. BUSINESS LICENSING, continued from 10/05/09

P. TOWN HALL COMPUTER/TELEPHONE PROBLEMS, continued from 10/05/09

Q. SUPPLEMENTAL TANGIBLE PROPERTY BILLING, continued from 10/05/09

R. NK IT PROPOSAL, continued from 10/05/09

S. MOTOR VEHICLE REVENUE REDUCTION, continued from 10/05/09

T. H1N1 FLU UPDATE, continued from 10/05/09

U. TOWN HALL SECURITY ISSUES, continued from 10/05/09

V. EMPLOYEE/COBRA HEALTH INSURANCE, continued from 10/05/09

No. 11 NEW BUSINESS:

A. WOOD CUT DOWN ALONG TOWN ROADS BY PUBLIC WORKS DEPARTMENT

B. FIRE/RESCUE RESPONSE TO EXETER JOB CORPS ACADEMY

C. TREASURER'S OFFICE AUDIT/ACCOUNTING PRACTICES AND PROCEDURES

D. EXETER PUBLIC LIBRARY BOARD OF TRUSTEES REQUEST: Reimbursement of 70 hours of accrued, unused vacation time for Library Director Amy R. Neilson

E. REYNOLDS CHARITABLE TRUST COMMITTEE: Request for Approval and Signing of Annual Report for Charitable Trusts and approval for $50.00 filing fee

F. VENDING/PEDDLER'S LICENSE APPLICATION: Walter A. Linton, Sr., 483 Tripps Corner Road, "Walt's Hot Dogs", in front of Blueberry Hill Store, 900 Ten Rod Road Fee: $25.00

G. CEASE AND DESIST ORDER: J. Robinson

H. PERSONNEL ISSUES/LABOR NEGOTIATIONS

No. 12 REPORTS OF OFFICERS, BOARDS, COMMITTEES:

A. TAX COLLECTOR'S REPORT, REMITTANCES AND ABATEMENTS: Tax Collector Lynette L. Lussier

B. TAX ASSESSOR'S REPORT: Tax Assessor Tammy Boss

C. TOWN TREASURER'S REPORT: Deputy Treasurer Joseph Gillis

D. TOWN PLANNER'S REPORT: Town Planner David W. Schweid, AICP

E. EXETER WELFARE DEPARTMENT REPORT: Director of Public Welfare Sylvia J. Curry

F. JUVENILE HEARING BOARD LIAISON'S REPORT/TOWN SERGEANT'S REPORT: Town Sergeant Richard S. Brown

G. EMERGENCY MANAGEMENT REPORT: Director Scott G. Kettelle

H. PUBLIC SAFETY/DISASTER PREPAREDNESS COMMITTEE LIAISON'S REPORT: Town Council Vice President Robert E. Johnson, Jr.

I. TAX ASSESSOR'S OFFICE LIAISON'S REPORT: Town Council Vice President Robert E. Johnson, Jr.

J. PUBLIC WORKS DEPARTMENT LIAISON'S REPORT: Town Council Member William P. Monahan

K. TRANSFER STATION LIASON'S REPORT: Town Council Member William P. Monahan

L. ECONOMIC DEVELOPMENT COMMISSION LIAISON'S REPORT: Town Council Member William P. Monahan

M. ANIMAL CONTROL LIAISON'S REPORT: Town Council Member Kenneth L. Fernstrom

N. EXETER JOB CORPS ACADEMY LIAISON'S REPORT: Town Council Member Kenneth L. Fernstrom

O. EXETER-WEST GREENWICH SCHOOL DISTRICT LIAISON'S REPORT: Town Council Member Arlene B. Hicks

P. EXETER PUBLIC LIBRARY LIAISON'S REPORT: Town Council Member Arlene B. Hicks

Q. WASHINGTON COUNTY REGIONAL PLANNING COUNCIL REPRESENTATIVE'S REPORT: Town Council President Calvin A. Ellis

R. TOWN COUNCIL ASSISTANT'S REPORT: Town Council Assistant Kenneth G. Findlay

S. TOWN CLERK'S REPORT: Town Clerk Cheryl A. Fernstrom, CMC

T. SOLICITOR'S REPORT: James P. Marusak, Esq. of Gidley, Sarli & Marusak

No. 13 BILLS, APPROPRIATIONS, ABATEMENTS

A. BILL SHEET, dated 11/02/09

B. ABATEMENTS, dated 11/02/09

C. REMITTANCES, dated 11/02/09

No. 14 COMMUNICATIONS

No. 15 OTHER BUSINESS:

A. SCHEDULE OF NOVEMBER MEETINGS AND EVENTS*

B. REYNOLDS CHARITABLE TRUST: Approval of Vouchers And Signing of Documents*

C. VICTUALING LICENSE RENEWALS*

1. Exeter Variety
Kenneth L. Fernstrom
250C South County Trail

2. Wolf Rock Country Kitchen
Martin Emeno
806 South County Trail

3. Blueberry Hill Store
Jason Whitford
900 Ten Rod Road

4. Dunkin Donuts
Oak Harbor Donuts, Inc.
Frank Realgo
561B South County Trail

5. Middle of Nowhere Diner
John Zarokostas
222 Nooseneck Hill Road

6. Subway Sandwich Shop
Michael A. Foster
567 South County Trail

7. **LC Mart**
SNF, LLC
Joy Bresette
345 Nooseneck Hill Road

8. **Bing Liu**
Yellow River (Chinese Restaurant)
567 South County Trail, Unit 109

9. **The Inside Scoop**
John Bucci
Buddy's Ice Cream Corp.
567 South County Trail, Unit 110

10. **Dunkin Donuts**
Real Gould Realty LLC
Frank Realgo
260 Nooseneck Hill Road

11. **Sophie's Coffee & Café**
Pamela Machon
699 South County Trail

No. 16 EXECUTIVE SESSION

A. CURRENT LITIGATION

B. LADD CENTER/JOB CORPS

C. LABOR UNION/CONTRACT NEGOTIATIONS/ARBITRATION

D. PERSONNEL ISSUES

E. RICO CORP/DEER BROOK DEVELOPMENT CORP.

F. GENERATOR AT METCALF SCHOOL

G. MEDICAL/DENTAL BENEFITS REIMBURSEMENTS

H. SECURITY ISSUES

No. 17 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. Schedule of November Meetings and Events

B. Reynolds Charitable Trust: Vouchers

C. Reports

1. **Deputy Treasurer's Report**
2. **Town Clerk's Report, dated 10/31/09**
3. **Probate Report, dated 10/26/09**
4. **Tax Collector's Report, dated 11/02/09**
5. **Tax Assessor's Report, dated 11/02/09**
6. **DPW Report, dated 11/02/09**
7. **Town Planner's Report, dated 11/02/09**
8. **Welfare Director's Report, dated 11/02/09**
9. **Emergency Management Report, dated 11/02/09**
10. **Animal Control Report, dated 11/02/09**
11. **Council Assistant's Report, dated 11/02/09**

D. COMMUNICATIONS:

1. **10/05/09 Resolution from the Town of Glocester opposing Governor Carcieri's plan to cut an additional $68.7 million dollars from the State budget.**
2. **10/05/09 Letter from The Trust with revisions to procedure for return to duty and follow up driver testing.**
3. **10/05/09 Governor's Commission on Disabilities Inspection Report for Open Meetings Accessibility with violations to be repaired.**
4. **10/05/09 Letter from the US Dept. of the Treasury Internal Revenue Service with a summary of tax provisions affecting tax years 2009 and 2010.**

5. **10/07/09 Invitation from EWG Sports 4 Kids to the ceremony dedicating the EWG playing field, 10/17/09.**

6. **10/07/09 Letter from the RI Dept. of Transportation – Environmental & Intermodal Planning with local equity aid program and notice to proceed.**

7. **10/08/09 Resolution from the Exeter-West Greenwich Regional School District opposing mandatory binding Arbitration for teachers.**

8. **10/08/09 Request for Comment from the RI Ethics Commission on the draft G.C.A. 2009-4 relating to Secondary Employment for Public Officials and Employees.**

9. **10/08/09 Memorandum from The Trust for the Safety Enhancement Grant and Scholarship Programs.**

10. **10/13/09 Resolution from the Town of East Greenwich on binding arbitration on monetary matters for school teachers.**

11. **10/13/09 Letter from Paul Ward, Chairperson of the Reynolds Trust Committee, with request voucher.**

12. **10/14/09 Letter from Paul Ward, Chairperson of the Reynolds Trust Committee, with Voucher Approval Form & Annual Report for Charitable Trusts.**

13. **10/14/09 Letter from IT Systems, Ltd regarding our computer system server.**

14. **10/15/09 Resolution of the City of East Providence Opposing Binding Arbitration for teacher contracts.**

15. **10/16/09 Memorandum from The Trust with dump truck hazard alert.**

16. **10/16/09 State Police letter to Friends of the Exeter Public Library granting permission to operate a raffle on 12/5/09 at the Exeter Public Library.**

17. **10/19/09 Letter from Pat's Power Equipment of Exeter Inc., announcing they are moving their Exeter operation from Gillette's Agway to it's Charlestown location.**

18. 10/19/09 Resolution from the Jamestown School Committee opposing mandatory binding arbitration.

19. 10/19/09 Announcement of the upcoming release (11/9/09), of a newly developed Web site for The Trust.

20. 10/19/09 Letter from The Trust confirming receipt Of claim.

21. 10/20/09 Letter from Mosca and Volpe regarding Gerald Zarrella and requesting meeting with Town Council members to discuss his proposal to construct a wedding barn in RU-4 zone.

22. 10/21/09 Resolution from the Smithfield School Committee opposing mandatory binding arbitration.

23. 10/22/09 Resolution from the Town of Westerly opposing mandatory binding arbitration.

24. 10/23/09 Resolution from the Town of Cumberland opposing mandatory binding arbitration.

25. 10/26/09 Letter from Domestic Violence Resource Center of South County requesting grant payment for fiscal year 2009-10.

26. 10/26/09 Response letter from US Senator Jack Reeds thanking the Town Council contacting his office with concerns regarding S 1703.

27. 10/26/09 State Police letter with authorization to Liberty Baptist Church to operate a raffle on 11/14/09.

28. 10/26/09 State Police letter with authorization to the Exeter Public Library to operate a raffle on 11/28/09.

29. 10/26/09 State Police letter with authorization to the Exeter-West Greenwich PTA to conduct a bingo on 2/7/2010.

30. 10/26/09 State Police letter with authorization to the Exeter-West Greenwich PTA a license to operate a 50-50 raffle on 12/05/2009.

31. 10/26/09 State Police letter with authorization to the Exeter-West Greenwich PTA to operate a raffle 2/7/2010.

32. 10/26/09 State Police letter with authorization to the Exeter-West Greenwich PTA to operate a raffle on 5/15/2010.

33. 10/26/09 USI's Benefit Newsletter.

34. 10/27/09 Memorandum with Minutes from monthly Board meeting for the Washington County Regional Planning Council.

35. 10/27/09 Resolution from the Town of Portsmouth opposing binding arbitration for teacher contracts.

36. 10/27/09 Resolution from the City of East Providence opposing binding arbitration for teacher contracts.

37. 10/27/09 Letter from David Dailey regarding wood burning furnace and request for Town Council hardship relief.

38. 10/29/09 Request for comment from the RI Ethics Commission at http://www.ethics.ri.gov/. regarding the draft of General Commission Advisory No. 2009-3.

39. 10/30/09 Announcement of Community Review Meeting for ARRA Non-Utility Renewable Energy, 11/5/09

40. 10/30/09 Letter from Nancy Ellsworth requesting reimbursement for new tire due to damage received at the corner of Partridge Drive and Mockingbird Lane

No. 15 C. VICTUALING LICENSE RENEWALS*

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

EXETER TOWN HALL, EXETER POST OFFICE, EXETER PUBLIC LIBRARY AND SECRETARY OF STATE'S WEBSITE

The public is welcome to any meeting of the town council or its committees. If communications assistance is needed or any other accommodation to ensure equal participation, please contact the Town Clerk's Office at least three (3) business days prior to the meeting. The Exeter Town Hall is handicapped accessible.