

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Town Council Meeting/Workshop at the Tiverton Town Hall, 343 Highland Road on Monday, the 30th day of March 2009 at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the Flag.

MEMBERS PRESENT:

President Bollin, Vice President Arruda, Councilor Costa, Councilor Durfee, Councilor Lambert, Councilor Leonard and Councilor Roderick

Town Administrator James C. Goncalo and Town Solicitor Andrew M. Teitz were also present. Town Clerk was absent.

Councilor Durfee made a motion, seconded by Councilor Leonard to move an agenda item out of order, the Closed Executive Session to the first item. Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

Town Solicitor – Litigation – 42-46-5(a)(2)

Councilor Roderick made a motion, seconded by Councilor Costa to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously. Council entered Executive Session at 7:05 pm.

OPEN SESSION:

Council returned from Executive Session at approximately 7:25 p.m. President Bollin announced no action had been taken in Executive Session.

Councilor Durfee made a motion, seconded by Councilor Roderick to seal the minutes of the Executive Session. Motion passed unanimously.

SPECIAL MEETING:

Discussion of Possible Continuance of May 9 Financial Town Meeting and to Consider Seeking Legislative Authorization to Change the Date of the FTM Continued from the March 23, 2009 Regular Council Meeting

Solicitor Teitz passed out a memorandum to the Council with his opinion regarding the Town seeking the authority from the General Assembly to change the date of the Financial Town Meeting (FTM). Alternatives, thinks it would be possible for the General Assembly to change the date for all cities and towns, with broad sweeping legislation due to a great crisis, doesn't think this is likely. Second the electors at the FTM by a majority vote could continue the meeting to the next Saturday or a date beyond would still need a budget prepared. Solicitor Teitz opinion was that it was not constitutional for the General Assembly to change the date of the Financial Town Meeting for the Town of Tiverton. Of the opinion the only legal way to postpone the FTM is through a Special Election. Would be difficult with the time frame. Special legislation would still be needed to relieve the Town of other State requirements. Third, have the General Assembly allow Tiverton to change the date. Not constitutional for the General Assembly to change just for Tiverton, Article 13. Section 5, Article 13 refers to the power to levy and assess. Asking the General Assembly to amend the Charter without going through the process, don't think they can do that.

In researching this found that the Home Rule Charter has been around since 1951. Cited a case law E. Greenwich vs. O'Neil where the Court looked at three-part test. If this test was applied to the Town then it would be a local issue, the Charter would trump. Possible solutions include a Special Election to put the question before the voters, should the FTM be continued to a specific date? Talked to the Town Clerk would be difficult but doable given the short time frame. Don't think the Council, Budget Committee or School Committee have the authority

to vote to continue the FTM. In the case of a Special Election, the Town might still need legislation from the General Assembly because of State agency deadlines. Councilor Lambert noted the voters at the Special Election could reject changing the date and the FTM would still happen.

Councilor Durfee, at this point, noted it would probably be easier to have the FTM. To have a Special Financial Town Meeting, to change the date of the FTM, before the actual Town Meeting would be cumbersome. Solicitor Teitz noted a Special FTM could be called for by a 2/3rd majority of the Council at any time after the FTM. Councilor Bollin and Roderick pointed the Town cannot look to the General Assembly for financial aid. The people must know there will be consequences to a reduction. A \$600,000 cut in the middle of the year will have consequences.

Councilor Durfee made a motion, seconded by Councilor Roderick to have a Special Town Council Meeting on Monday April 6, 2009 at 7:00 pm, for Executive Session-Litigation. Motion passed unanimously. President Bollin noted for the record all Council members were present.

Councilor Durfee made a motion, seconded by Councilor Leonard to waive notice for that Special Meeting. Record shows all members present. Motion passed unanimously.

ADJOURNMENT

Councilor Durfee made a motion, seconded by Councilor Roderick to adjourn the Special Meeting. Motion passed unanimously.

Meeting adjourned at approximately 8:00 p.m.

COUNCIL WORKSHOP

Discussion of Council Goals

Councilor Leonard opened the discussion with the results of the goals previously submitted. The top six were compiled by the Town Clerk and read by Councilor Leonard.

1. Support Economic Development Commission work with focus on North Main Road revitalization and industrial park development. President Bollin noted the EDC has been moving forward on this. Several developments included the power plant increasing in size. Possibly the EDC can come before the Council with an update.
2. Establish guidelines for employee contracts. A model employment contract was presented last spring. Bringing all labor unions in jurisdiction of the Town, all have varying benefits, which need to be standardized. Insurance co-pays need to be looked at as contracts cycle out.
3. Completion of Comp Plan approval by state and commence follow up ordinance revisions. The Council had received a report recently from Town Planner, Christopher Spencer about the Comp. Plan. Stuart Hardy, a member of the Planning Board, said the Planning Board had met and will be requesting a workshop/joint hearing with the Council on the recommended changes to the Comp Plan.
4. Make certain the Bay Street Contamination area gets sewered through stimulus funding. Administrator Goncalo, with regards to sewers, had applied to Dept. of Environmental Management on two separate issues, had not heard from them yet. Included in the requests for stimulus funding were sewer improvements.
5. Control the budget and taxes, and keep any tax increases well within state mandated caps. The final draft of the budget as presented by the Budget Committee had a 3.36% increase. All parties have been working to keep below the state mandated cap.
6. Work with all committees to create an effective budget. Since most committees will be working with less money, how effective they are will remain to be seen.

President Bollin believed the items can get accomplished but with constraints. Probably spend a lot of time on completion and implementation of the Comp Plan and the follow up ordinance revisions. Will be a busy year,

budget issues will not get easier, Council will do their best to accomplish the goals. The Industrial Park development, if it comes to fruition will help the Town.

Discussion of Town Website

Councilor Leonard discussed the Website. Some issues have been addressed, still needs some email addresses. In talks with the Administrator, wanted to make sure the site is being used to publicize the activities of the Town and the municipal side of government. Raised issues include availability of website for separately elected public officials. For example the Budget Committee posts something objectionable to the Town Council. Does the Council trump the Budget Committee? Same question can be applied to any entity. Town Solicitor can ponder on this question. Councilor Leonard will continue to work with the Administrator on updating the website.

President Bollin said guidelines need to be established in order to prevent future problems.

Discussion of Budget for 2009/2010 Fiscal Year

Councilor Durfee asked the Administrator about the dividend amount from the Trust. Dividends approximately \$32,000. Administrator Goncalo did not have the opportunity to review at length the proposed docket for the FTM. In his brief review, the Administrator didn't see anything for uncollectibles or abatements. The budget was \$334,000 below the levy without abatements.

The difference between the request and the Budget Committee's recommendation was \$24,800, which was \$5,000 for microfilming and \$19,800 for a brush cutter for the DPW.

The ad for the newspaper was being worked on and may have to state it's an estimate. Administrator working with the Municipal Affairs office in that regard. The \$2 billion plus, the Total Assessment, was estimated to be a middle ground figure. The Assessor should know in a couple of weeks the proposed assessment, may have to use a conservative estimate. Councilor Leonard wanted to know if there was additional money to beef up the General reserve fund. The Charter says what the Town should do but doesn't say what happens if they don't put any additional money in the reserve. Very close to the cap without adding any more funds.

President Bollin was concerned about the revaluation appeal process, which may extend beyond the FTM. Overall assessments are running 15-18% lower. Will be in the same position as last year, estimating. Councilor Durfee asked for clarification of the last line on page 3 about prior year (late) taxes received offset current year uncollected taxes.

Councilors Durfee and Bollin believed there should be something for abatements. Historically there are abatements in a revaluation year. Councilor Leonard stated there was still time to work this out along with the Public Hearing that is before the Town Meeting. President Bollin hoped the General Assembly bucked the Finance Committee and reinstated Town aid. Chris Cotta, former Budget Committee Chair, praised the work of the Budget Committee noting the mechanics of the Budget are difficult, sees a problem with some of the numbers copied from last year's docket. Some monies were added to the docket and some reduced off resolution. May be some room for savings. Administrator will be working with Jeff Caron, Budget Committee Chair, to address.

The Workshop ended at approximately 8:35 pm.

Minutes compiled by Leona L. Cook, Clerk

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

