

**TOWN OF WEST GREENWICH
TOWN COUNCIL
REGULAR MEETING
JUNE 10, 2009**

A regular meeting of the West Greenwich Town Council was held on June 10, 2009. Present were Robert Butler, Mark Tourgee, Thaylen Waltonen, Susan Woloohojian and Kelly Stewart.

Also present were Town Solicitor Michael Ursillo and Town Administrator Kevin Breene. Butler called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

MOMENT OF SILENCE – ELIZABETH W. “BETTY” PRATT

A moment of silence was observed in memory of Elizabeth W. “Betty” Pratt. She was a long-time volunteer and board member of the Louttit Library.

CONSENT AGENDA

Tourgee moved to approve the Consent Agenda with Correspondence Item no. 7 and Check Summary Report for May, 2009 removed for further consideration. Woloohojian seconded.

VOTED: Butler – aye, Tourgee – aye, Waltonen – abstain, Woloohojian – aye, Stewart – aye.

I. MINUTES

1. MINUTES OF MEETING OF MAY 13, 2009
2. MINUTES OF MEETING OF JUNE 1, 2009

II. REPORTS

1. TOWN CLERK RECEIPTS –MAY, 2009
2. PLANNING DEPT. MONTHLY REPORT – MAY, 2009
3. TREASURER’S REPORT – MAY 31, 2009
4. POLICE DEPT. MONTHLY REPORT – MAY, 2009
5. TAX ASSESSOR’S OFFICE MONTHLY REPORT – MAY, 2009
6. BUILDING INSPECTOR’S OFFICE MONTHLY REPORT – MAY, 2009
7. PAYROLL REPORT
PAY PERIODS MAY 5, 2009 – MAY 29, 2009

8. HIGHWAY DEPT. REPORT – MAY 2009

III. CORRESPONDENCE

1. COPY OF LETTER TO
THOMAS J. GEISMAR, Ed. D., SUPERINTENDENT OF SCHOOLS
FROM BRADFORD GORHAM
JUNE 2, 2009
RE: PUBLIC LAWS 1965
2. COPY OF LETTER TO COLLEEN DERJUE, TOWN TREASURER
FROM TIMOTHY E. MCARDLE, EXETER-WEST GREENWICH
SCHOLARSHIP COORDINATOR
MAY 1, 2009
RE: 2009 HENRY B. WRIGHT SCHOLARSHIP RECIPIENT – ZACHARY
BARRETT
3. US BANK
MAY 12, 2009
RE: “STRESS TEST” RESULTS
4. COPY OF MEMO TO NOREEN SHAWCROSS
FROM GEOFFREY A. MARCHANT
MAY 29, 2009
RE: BLUEBERRY HEIGHTS MOBILE HOME COOPERATIVE
INFRASTRUCTURE
5. COPY OF LETTER FROM
RAYMOND M. CAPELLI ACTING CHIEF OF POLICE
AND LAURIE A. ALBRO, ADMINISTRATIVE ASSISTANT
MARCH 25, 2009
RE: PAYMENT FOR SCHOOL RESOURCE OFFICER –
REVENUES NOT YET COLLECTED
6. COPY OF LETTER FROM ROBERT V. ROSS, DIRECTOR OF
ADMINISTRATION
TO ROMEO MENDES, PE, SUPERVISING ENGINEER, WATER
RESOURCES BOARD
FEBRUARY 24, 2009

RE: LIST OF STUDENTS LIVING IN THE RESERVOIR AREA DURING
 THE
 2008-2009 SCHOOL YEAR
 AND PAYMENT RECEIVED APRIL 24, 2008 - \$20,309.00

7. TERRY GRAY
 MAY 12, 2009
 RE: ECO DEPOT – HOUSEHOLD HAZARDOUS WASTE AND E-WASTE
 COLLECTION – 6/20/2009
8. CONSERVATION COMMISSION – MINUTES OF MAY 7, 2009 MEETING

IV. ABATEMENTS, ADDITIONS & REBATES

1. REQUEST OF TAX ASSESSOR – JUNE 3, 2009

<u>May</u>			
ACCT #	NAME	AMOUNT	REASON
<u>Real Abatements 2008-2009</u>			
03-0275-59	Commerce Park Realty, LLC	\$105.78	Appeal Approved
23-0069-29	West Greenwich Tech Park	\$349,798.59	Appeal Approved
<u>Real Additions 2008-2009</u>			
03-0275-59	Commerce Park Realty, LLC	\$5.00	Appeal Approved
23-0069-29	West Greenwich Tech Park	\$348,292.99	Appeal Approved
<u>Real Rebates 2008-2009</u>			
23-0069-29	West Greenwich Tech Park	\$1,505.60	Appeal Approved

V. CHECK SUMMARY REPORT

1. MAY, 2009

OLD BUSINESS

REQUEST FOR REVERSAL OF ZONE CHANGE and FOR AMENDMENT TO COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY OWNED BY JEANNETTE LEPRE, PLAT 1 LOT 13, 49 DIVISION ST. AND THOMAS LEPRE, PLAT 1 LOT 15, 53 DIVISION ST.

The hearing on this matter had been continued from April 8, 2009.

Attorney Nat Nazareth was present representing the Lepres.

Town Solicitor Ursillo reported that negotiating with Mr. Cambio, through his attorney, to have the zoning on his property revert back were unsuccessful.

Waltonen commented on the property being changed to residential instead of reverting to Highway Business.

Waltonen moved that the West Greenwich Town Council amend the Comprehensive Community Plan Land Use Map, and property designated as Assessor's Plat 1, Lots 13 and 15 from the current designation of Senior Residential Community to Highway Business. Said Amendment is approved based upon the following findings of fact, findings of consistence with the Comprehensive Plan, and condition of approval: Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Findings of Fact and Consistency with Comprehensive Plan

1. That the zoning on the lots was recently changed to the new Senior Residential zoning district on March 19, 2008, at which time the property was anticipated to be purchased by the developer of the abutting parcels, to be part of a larger Land Development Project.
2. That the agreement between the developer and the applicant is no longer in effect
3. That the parcels of this application had been previously zoned Highway Business by the Town of West Greenwich since the adoption of zoning in 1969.
4. That during the hearing for the zone change to Senior Residential District zoning under the application of Commerce Park Associates 12, LLC, the Town recognized that the parcels under consideration for rezoning had been currently zoned Highway Business, and that it was important to keep some of the land zoned Highway Business, due to the proximity to highway access and public water, rather than to rezone all of the land for residential development in the manner requested.
5. That the proposed zone change is consistent with the Comprehensive Plan, specifically, Economic Development Goal # 5, of Element 6 of the Comprehensive Plan, "To enhance, strengthen, and promote existing Highway Business Districts."

Condition of Approval

1. That no access to the Senior Residential District to Division Road can enter the Lepre parcel, and that there is no access from the abutting Highway District or the Residential District through the Lepre property, and that there be no intermingling of access."

Waltonen moved to approve of the requested zone change for AP 1, Lots 13 & 15 from Senior Residential District back to Highway Business as requested in the application of Jeanette A. Lepre and Thomas and Beverly Lepre dated July 23, 2008, and to adopt as rationale for approval that motion the recommendation of the Planning Board dated March 24, 2009. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

PUBLIC HEARING AMENDMENTS TO ZONING ORDINANCE REGARDING RESIDENTIAL COMPOUNDS

Waltonen reiterated concerns from joint meeting on June 1, 2009. He noted plat maps should be provided showing parcels in question. Stewart also wanted to see plat maps showing potential properties.

Woloohojian moved to continue the hearing on this matter until September 9, 2009. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

NEW BUSINESS

APPOINTMENT OF TOWN COUNCIL MEMBER TO SERVE ON EXETER-WEST GREENWICH CHARTER CHANGE COMMITTEE

Woloohojian nominated Council President Butler to serve on the Exeter-West Greenwich Charter Change Committee. Tourgee seconded.

Councilwoman Stewart also expressed interest in the position.

Discussion was held on the merits of each candidate.

VOTED: Butler – aye, Tourgee – aye, Waltonen – nay, Woloohojian – aye, Stewart – nay.

LEE KISSINGER – EWG CHARTER

Mr. Lee Kissinger presented the following PowerPoint presentation on the EWG Charter:

Exeter-West Greenwich School District Charter
Preliminary Review by:
Lee Kissinger, June 10, 2009

Background

- ▶ The recent School District Financial Meeting caused several members of the community concern:
 - Budget presented and to be voted on was a worst case budget and not a final budget as negotiations were ongoing
 - A member of the School Committee reported that it was the School Committee's responsibility to represent the best interests of the Students

Background Continued:

- Property taxes continue to escalate and the local communities are now being forced to sacrifice necessary community services to provide enough financing for the School District
- There seems to be no accountability on the part of the School Committee to the taxpayers of the community who elected them to represent their interests

My Understanding of the Fundamentals

- ▶ The School Administration must provide the best Education possible for the Students, meeting all mandatory State requirements, with all available resources afforded by the community.
- ▶ The School Committee must evaluate how to meet minimal, mandatory Educational Requirements for the students while representing the interests of the Citizens and Taxpayers who elected them to office.
- ▶ The Citizens and Taxpayers should have the final say while listening to all arguments presented.

Questions Concerning the EWG School District Charter

- ▶ Section I, par. (F) This paragraph provides very broad powers and duties to the school committee in general.
- ▶ Questions:
 - Should these powers be reviewed in accordance with applicable state general laws, and or special laws, discussed and restricted to some degree within the context of this document?

Section I, Paragraph F Powers and Duties

- ▶ "The committee shall have all the powers and duties conferred and imposed upon school committees by law and conferred and imposed upon it by this agreement, and such other additional powers and duties, not inconsistent with this agreement, as are specified in section 16-3-11 of the general laws and any amendments thereof or additions thereto now or hereafter enacted, or as may be specified in any other applicable general or special law."

Questions Concerning the EWG School District Charter

- ▶ 1. Section I, par. (G) “The Quorum for the transaction of business shall be a majority of the committee, but a number less than the majority may adjourn.”
- ▶ Question: Does this mean that if three members are present from Exeter and only one member is present from West Greenwich, business may be conducted?
- ▶ Should there be a stipulation that there must be a majority that is equally represented by both towns, meaning a minimum of two and two?

Section V. The regional school district financial meeting, Jan. 1973

- “The regional school district financial meeting shall be held in accordance with sections 16-3-12 and 16-3-15 of the general laws as amended. All voters qualified at the financial town meetings of the towns of Exeter and West Greenwich who have been registered to vote for at least 30 days prior to the date of a regular or special regional district financial meeting shall be eligible to attend and vote at the regional district financial meeting. The board of canvassers of the towns of Exeter and West Greenwich shall canvass the respective voting list of said towns prior to any such regular or special meeting in the same manner provided by law for canvassing said lists to the financial town meetings of said towns. All action taken shall be by a majority vote of all voters present at the meeting and a quorum shall consist of 25 qualified voters.”

- Question: Should this not read “25 qualified voters from each town.”

Section VII. Procedure for the adoption of the annual budget.

- ▶ Paragraph (C) Tentative maintenance and operating budget. (Summarized)
 - 1. School District Superintendent is to present to the School Committee at the regular meeting in the month of November a preliminary budget containing estimates of the amount of money needed to operate the district for the ensuing fiscal year.
 - 2. The School Committee shall prepare and approve a budget which it believes will efficiently operate the district for the ensuing year not later than the 10th of January (now 2nd Tuesday in March) in each year.
 - We must jump ahead to Paragraph (D) “Final maintenance and operating budget.” which states:
 - ▶ The School Committee shall adopt the final budget for the district not later than January 31 (now 2nd Tuesday in March).

Section VII. Procedure for the adoption of the annual budget.

- ▶ Now we can jump back to Paragraph (C) 3. which states:
 - “At least ten days (now 7 days) before the annual regional district financial meeting at which the budget is to be adopted, the regional district school committee shall hold a public hearing on the proposed budget, at which time any citizen entitled to vote at the regional school district financial meeting may be heard.”
 - Notice of the meeting shall be published 7 days (now 10 days) in advance of the meeting by publication in a newspaper of general circulation in the State of RI.

Questions Concerning Paragraphs (C) and (D)

- ▶ 1. Is there some confusion regarding what is a proposed budget vs final budget? In the Chariho Act, the Final budget adopted by the School Committee is the proposed budget to the Taxpayers. However in our document, to fully understand this, you must read the document out of sequence.
- ▶ 2. Has this confusion caused a violation of the Charter in 2009, and possibly other years, where we voted on a budget that was not Final? This year, by the School Committee's admission during the school district financial meeting, we voted on a budget scenario that was best case for the School District and worst case for the Taxpayers, but not a final budget? Negotiations were ongoing? I ask again, did a violation of this Charter occur? Does the word "Final" not mean "Final"?
- ▶ 3. Once the Budget was approved, there was no longer an incentive on the part of the School Administration to negotiate further in good faith.

Sec. XI. Amendments.

"A proposal for amendment may be initiated by a majority vote of all the members of the regional district school committee or by a petition signed by 10% of the registered voters of any one of the member towns."

- ▶ This document does not state that a budget surplus cannot be returned to the taxpayers.

The Chariho Act as modified in 1986

- ▶ Important Differences:
 - Requires a quorum to be defined as a body represented by (25) qualified voters from each member town.
 - The school committee is to be represented in proportion to the populations of each town. (Act provides a detailed formula around a fixed number of committee members as populations change.)
 - The Chariho Act requires there be a regional school district finance committee to advise and make recommendations to the regional district school committee on all fiscal considerations. The committee is made up by the school district treasurer, the treasurers of the three member towns, three representatives from the school committee, and three financially knowledgeable residents eligible to vote, one from each member town.

Section 15. Budget

- ▶ 1. "It shall be the duty of the district superintendent, or chief administrative officer, to present to the regional school committee a preliminary budget containing his estimates of the amount of money needed to operate the regional school for the ensuing year."
- ▶ 2. "The regional school committee shall prepare and approve a proposed budget which it believes will efficiently operate the regional school district for the ensuing year not later than the fifteenth (15th) day of February in each year."

Section 15. Budget

- ▶ 3. “Not later than the third (3rd) Tuesday in March in each year, and subsequent to the public hearing at the annual regional school district meeting on the proposed budget, the district school committee shall adopt a final proposed budget. The regional district finance committee, established in accordance with the provisions of section 12 hereof, may by and through its individual members or by appointed delegates attend budget hearings and provide advice to the school committee on budget matters.”
- ▶ 3A. “Within (30) days after the school committee adopts its final proposed budget for the ensuing year, a budget approval referendum must be held in each of the member towns on a single day to be determined by the regional school committee. The vote at referendum shall be for the purpose of approving or rejecting the overall total district budget as proposed by the regional school committee, and for approving or rejecting any special warrant items proposed by the regional school committee. The votes cast in all of the member towns shall be counted in aggregate. The regional school committee shall provide to the canvassers of each of the member towns printed information to be displayed at polling places to assist voters in voting. The budget approval referendum ballot to be voted on must be substantially as follows:
 - ‘Shall the Chariho Regional School District annual budget for the school year as adopted by the regional school committee be approved?’
 - ▶ _____ Yes
 - ▶ _____ No’

Section 15. Budget

- ▶ A majority of all the votes cast in the member towns at the budget approval referendum, counted in aggregate, shall be required to approve the annual regional school district budget proposed by the regional school committee. If the voters do not approve the budget proposed by the regional school committee at the budget approval referendum vote, the regional school committee shall hold a school committee meeting within (15) days after the referendum to adopt a revised budget in such an amount as the school committee shall determine to be the minimum amount necessary to allow the regional school district to operate for the ensuing fiscal year in compliance with its contractual obligations and the mandates of the applicable federal and state laws. Any revised budget adopted at the subsequent school committee meeting must thereafter be submitted within (30) days to the voters for approval at referendum in accordance with this section. This process shall be repeated until a budget is adopted by the regional school committee and approved by the voters at referendum.”

Section 15. Budget

- ▶ The section goes on to state that should a budget not be approved by the citizens by

July 1, the school committee will make provisions to operate the district on the previous years budget under the provisions of RI General Laws 16-2-23.

Questions?

- ▶ Please note, I can bring up scanned versions of the Chariho Act and the EWG School District Charter for review.
- ▶ Other Points of Interest, Special Meetings, 5% of registered voters?? One Town, Both Towns, not defined. (Sec. 16-3-12(b)) Chariho, (200) voters on the petition.
- ▶ Sec. 16-3-129(a)(1) Regional School District (Financial?) Meeting 2nd or 3rd Monday of April each year?? Chariho, 1st Tuesday in March

PUBLIC HEARING

**SECOND READING – ORDINANCE REGARDING ILLICIT DISCHARGE
DETECTION AND ELIMINATION**

Butler opened the following public hearing:

**TOWN OF WEST GREENWICH
NOTICE OF PUBLIC HEARING
ADOPTION OF ORDINANCE**

Notice is hereby given that the Town Council of the Town of West Greenwich will hold a public hearing on Wednesday, June 10, 2009 at 7:30 p.m. in the Council Chambers at the West Greenwich Town Hall, 280 Victory Highway, on the adoption of the following town ordinance:

**THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

ORDINANCE NO. 90

**AN ORDINANCE RELATING TO
ILLICIT DISCHARGE STORM WATER**

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEST GREENWICH, RHODE ISLAND, AS FOLLOWS:

In order to comply with the Illicit Discharge Detection and Elimination requirements of RIPDES Permit No. RIR040029 (West Greenwich coverage under the General Permit)

Sec. 1 Purpose.

Contaminated storm water runoff is a major cause of impairment of water quality in lakes, ponds, streams, rivers, wetlands, and groundwater; contamination of drinking water supplies; and alteration or destruction of aquatic and wildlife habitat. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Town water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment.

The objectives of this ordinance are:

1. to prevent (or reduce to the maximum extent practicable) pollutants from entering the Town owned storm drainage system;
2. to prohibit illicit connections and unauthorized discharges to the storm water drainage system;
3. to require the removal of all such illicit connections and discharges;
4. to comply with state law and federal statutes and regulations relating to storm water discharges; and
5. to set forth the legal authority and procedures to carry out all inspection, detection, monitoring, and enforcement activities necessary to ensure compliance with this ordinance.

**

Effective Date: This ordinance shall take effect upon passage.

All interested parties may review and examine a copy of the proposed ordinance amendment at the West Greenwich Town Clerk's Office between the hours of 8:30 a.m. to 4:00 p.m. and at the Louttitt Library during Library hours. Copies copy of the ordinance amendment can be obtained at the Town Clerk's Office. The complete text of the proposed ordinance is also online at www.wgtownri.org/documents/Stormwater/IllicitDischargeDraft04-09clean.pdf

The proposal may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

All persons interested are invited to be present at said time and place to be heard thereon.

Individuals requesting interpreter services for the hearing impaired must notify the Town Clerk's Office at 392-3800, 48 hours in advance of the hearing date.

Per order of the West Greenwich Town Council
Janet E. Olsson, CMC
Town Clerk

Town Planner Jennifer Paquet explained minor revisions made to the proposed ordinance since the last meeting noting that the town only had jurisdiction over what was town owned property or infra-structure.

Waltonen moved to adopt the proposed ordinance as amended.
Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Following is the adopted Ordinance No. 90:

**THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ILLICIT DISCHARGE STORM WATER ORDINANCE**

IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WEST GREENWICH, RHODE ISLAND, AS FOLLOWS:

ILLICIT DISCHARGE STORM WATER ORDINANCE

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Sec. 1 Purpose.

Contaminated storm water runoff is a major cause of impairment of water quality in lakes, ponds, streams, rivers, wetlands, and groundwater; contamination of drinking water supplies; and alteration or destruction of aquatic and wildlife habitat. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of Town water bodies and

groundwater, and to safeguard the public health, safety, welfare, and the environment.

The objectives of this ordinance are:

1. to prevent (or reduce to the maximum extent practicable) pollutants from entering the Town owned storm drainage system;
2. to prohibit illicit connections and unauthorized discharges to the storm water drainage system;
3. to require the removal of all such illicit connections and discharges;
4. to comply with state law and federal statutes and regulations relating to storm water discharges; and
5. to set forth the legal authority and procedures to carry out all inspection, detection, monitoring, and enforcement activities necessary to ensure compliance with this ordinance.

Sec. 2 Authority.

This ordinance is promulgated pursuant to the Rhode Island Department of Environmental Management's ("DEM") *General Permit Rhode Island Pollutant Discharge Elimination System Storm Water Discharge from Small Municipal Separate Storm Sewer Systems and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s* ("MS4 General Permit") and in accordance with the Administrative Procedures Act, R.I.G.L. 42-35-1, et seq.

Sec. 3 Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

Allowable Non-Storm Water Discharges- Discharges not comprised of storm water are allowed under the MS4 General Permit Part I.B.3 but are limited to the following, provided these are not significant contributors of pollutants to the MS4: discharges which result from the washdown of vehicles at retail dealers selling new and used automobiles where no detergents are used and individual residential car washing; external building washdown where no detergents are used; the use of water to control dust; fire fighting activities; fire hydrant flushings; natural springs; uncontaminated groundwater; dechlorinated pool discharges; air conditioning condensate; lawn watering; potable water sources including waterline flushings; irrigation drainage; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; discharges from foundation or footing drains where flows are not contaminated with process materials such as solvents, or contaminated by contact with soils where spills or leaks of toxic or hazardous materials have occurred; uncontaminated utility vault dewatering; dechlorinated water line testing water;

hydrostatic test water that does not contain any treatment chemicals and is not contaminated with process chemicals.

Best Management Practices (BMPs)- Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices; and structures, to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act (CWA)- The federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*), and any subsequent amendments thereto.

Construction Activity- Activities subject to RIPDES Construction Permits, which includes construction projects resulting in land disturbance of one acre or more; and activities resulting in land disturbance of less than one acre which are subject to Planning Board approval. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Director means the Director of Public Works, or his authorized deputy, agent or representative.

Discharger- Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

Hazardous Material- Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, radioactive, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection- An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Director, or,

- any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Director .

Illicit Discharge- Any direct or indirect discharge to a municipal storm drainage system that is not composed entirely of storm water, except discharges pursuant to a RIPDES permit (other than the RIPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities. Illicit discharges include, but are not limited to, discharges in the form of: illegal dumping, hazardous waste/material spills, sewage and wastewater, construction waste, building material, truck washout, litter, and those allowable storm water discharges found to be a significant contributor of pollutants to the MS4.

Industrial Activity- Activities subject to RIPDES Industrial Storm Water Permits as defined in RIPDES Rule 31 (b) (15).

Municipal Separate Storm Sewer System (MS4)- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural and man-made channels and watercourses, piped storm drains, retention and detention basins, and other drainage structures), owned or operated by the Town, or proposed for ownership or operation by the Town, and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage. (Also known as the 'storm drainage system'.)

Non-Storm Water Discharge- Any discharge to the storm drain system, or that has the potential to enter the storm drain system, that is not composed entirely of storm water.

Operator- The party or parties that either individually or taken together have the day-to-day operational control over the facility activities and the ability to make modifications to such activities.

Owner- The party or parties that either individually or taken together has legal title to any premise.

Person- Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutants- Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables;

pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal and pet wastes; soil, sediment/ fines resulting from land disturbing activities; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

RIPDES- Rhode Island Pollution Discharge Elimination System means the Rhode Island system for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing point source discharge permits and imposing and enforcing pretreatment requirements pursuant to Title 46, Chapter 12 of the General Laws of Rhode Island and the Clean Water Act.

Storm Water- Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Management Program Plan (SWMPP)- the municipal document describing a program to reduce the discharge of pollutants from the MS4 to the maximum extent practicable, protect water quality, and satisfy the water quality requirements of the Federal Clean Water Act and Rhode Island Water Quality Standards; and which includes the following six minimum control measures: Public Education and Outreach, Public Involvement/ Participation, Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control, Post Construction Storm Water Management, and Pollution Prevention and Good House Keeping in Municipal Operations.

Storm Water Pollution Prevention Plan (SWPPP)- A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

Watercourse- A natural or man-made surface drainage channel or body of water (including a lake or pond) through which a water flow occurs, either continuously or intermittently.

Waters of the State- Surface and ground waters within the boundaries of the State of Rhode Island and subject to its jurisdiction.

Sec. 4 Discharge Prohibitions.

(a) Prohibition of Illicit Discharges

No person shall throw, drain, or otherwise discharge or cause to be discharged into the municipal storm drainage system any pollutant or non-storm water discharge unless such a non-storm water discharge is outlined in Part I.B.3 of the

MS4 General Permit as an Allowable Non-Storm Water Discharge, or is authorized by a specific RIPDES permit. The allowable non-storm water discharges are permitted if deemed not to be a significant contributor of pollutants to the municipal storm drainage system. Allowable non-stormwater discharges will not be permitted under any circumstance when said discharge adversely affects a municipal right-of-way or stormwater system.

Reports of illegal dumping, hazardous waste and material spills, and other complaints will be investigated under the purview of this ordinance, and Ordinance No. 28, and other applicable State and Federal laws.

The commencement, conduct, or continuance of any illicit discharge to the storm drainage system is prohibited.

(b) Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the municipal storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or any watercourse, or allows such a connection to continue.

Improper connections in violation of this ordinance must be disconnected, and if necessary, redirected to an approved onsite wastewater management system upon approval of the RIDEM, or to the sanitary sewer system.

Sec. 5 Right of Entry.

Entry to Perform Duties Under this Ordinance.

To the extent permitted by State law, or if authorized by the owner or other party in control of the property, the Director, and/or his designees may enter upon privately owned property for the purpose of performing their duties under this ordinance and may make or cause to be made such inspections, surveys, testing, or sampling as the Director deems reasonably necessary.

Sec. 6 Inspections and Monitoring.

The Director shall be permitted, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the dischargers premise(s) where a regulated activity is conducted, or where records must be kept related to storm water compliance;
2. Have access to and copy, at reasonable times, any records related to storm water compliance;
3. Inspect at reasonable times any equipment, practices, or operations related to storm water compliance; and
4. Take samples, perform testing, or monitor any substances or parameters at any location, at reasonable times, for the purposes of assuring compliance with this ordinance or as otherwise authorized by the CWA or R.I. law.
5. Require that the owner or occupant of the property locate any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm drain system; and to identify the drain or conveyance as storm drain, sanitary sewer, or other, and that the outfall location or point of connection to the storm drain system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Director.

Sec. 7 Suspension of MS4 Access

(a) Suspension due to Illicit Discharges in Emergency Situations.

The Director may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened non-storm water discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

(b) Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director will notify a violator of the proposed termination of its MS4 access. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Director.

Sec. 8 Requirement to Secure a RIPDES Permit

The Director shall refer to RIDEM all non-storm water discharges not authorized in accordance with Part I.B.3 of the MS4 General Permit or by a specific RIPDES Permit, which the Director has deemed appropriate to continue discharging to the MS4, for consideration of an appropriate permit.

Sec. 9 Industrial and Construction Activity Discharge.

Any person subject to an industrial or construction activity RIPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to the MS4, or as a condition of a subdivision map, site plan, building permit, or development or improvement plan.

Sec. 10 Requirement to Prevent, Control and Reduce Storm Water Pollutants by the use of Best Management Practices.

Upon confirmation of a violation of this ordinance, the Director may require, in an attempt to prevent, control, and reduce storm water pollutants, any person engaged in activities or operations, or owning facilities or property which has or may result in future pollutants entering storm water, the storm drainage system, or waters of the State shall develop and implement, at their own expense, a Storm Water Pollution Prevention Plan prescribing Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment found to be in violation of this ordinance shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. The SWMPP shall be subject to review by the Town and/or RIDEM for approval, and the cost of such review shall be at the owner or operator's expense.

Sec. 11 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in unauthorized discharges or pollutants discharging into storm water, the storm drain system, or waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the Director no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within two (2) business days

of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Nothing in this section shall preclude any owner/lessee from compliance with relevant provisions of the Rhode Island Clean Water Act, R.I.G.L. 46-12-1, et seq. or other applicable laws or regulations.

Sec. 12 Enforcement.

Notice of Violation: Whenever the Director finds that any person has violated a prohibition or failed to meet a requirement of this Ordinance, the Director may order compliance by written notice of violation to the land owner and/or responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs; and
7. The development and approval of a Storm Water Pollution Prevention Plan

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 13 Administrative Orders.

The Director is authorized to issue the following administrative orders at any time he/ she deem such action appropriate to secure timely and effective compliance with this Ordinance or a discharge permit or order issued pursuant to this Ordinance, whether or not any previous notifications of violation have been provided to the user.

- A. *Cease and Desist Order:* The Director may issue an order to cease and desist a violation or an action or inaction which threatens a violation and to direct the user to comply forthwith or to take such appropriate remedial or preventive action as may be needed to properly address the violation or

threatened violation, including halting operations and terminating the discharge.

B. Consent Order: The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a user. Such orders shall include specific actions to be taken by the user and specific time frames to correct a violation or to remove the threat of a violation. A consent order may also direct that a user provide improved operation and maintenance of existing discharge facilities, conduct additional self-monitoring, or submit appropriate reports or management plans.

Sec. 14 Abatement by Town

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the Town or a contractor designated by the Director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 15 Cost of Abatement of the Violation.

Within thirty days after abatement of the violation by or under the direction of the Director, the owner of the property will be notified by the enforcement agency or municipality of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the Director, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this section shall become liable to the Town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 12 percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

Sec. 16 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Director may petition for a temporary, preliminary, or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 17 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Town.

Sec. 18 Criminal Prosecution.

Any person that has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$500 dollars per violation per day and/or imprisonment for a period of time not to exceed five (5) days.

The Director may recover all attorney's fees, court costs, and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

Sec. 19 Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

The following items that were removed from the consent agenda were considered:

7. TERRY GRAY
MAY 12, 2009
RE: ECO DEPOT – HOUSEHOLD HAZARDOUS WASTE AND E-WASTE
COLLECTION – 6/20/2009

It was noted that an Eco-Depot was being held behind the Town Hall on Saturday, June 20, 2009 for household hazardous waste.

V. CHECK SUMMARY REPORT

1. MAY, 2009

Stewart questioned payments to various members of the Land Trust and the Big River Inn.

It was noted that Land Trust members were being reimbursed for expenses for repairs to the Plain Meeting House and that the payment to the Big River Inn was for the Conservation Commission's Earth Day celebration which had been funded with donations.

THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA

**AWARD OF FINANCIAL REPORTING ACHIEVEMENT
– COLLEEN J. DERJUE, TOWN TREASURER
CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN
FINANCIAL REPORTING
– TOWN OF WEST GREENWICH**

Butler noted that Colleen J. Derjue, Town Treasurer had received an Award of Financial Reporting Achievement and that the Town of West Greenwich had received a Certificate of Achievement for Excellence in Financial Reporting. He complimented Colleen for her efforts.

APPOINTMENT – LAND TRUST

Tourgee moved to appoint Janet Tefft to the Land Trust to fill the unexpired term of Helen Wilmot. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – abstain.

Woloohojian moved to hold a special Town Council meeting on Tuesday, June 16, 2009 at 10:00 a.m. Tourgee seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

PUBLIC FORUM

Sandy Bockes questioned why Betty Pratt was not given a blank page in the minute book and was informed that that was reserved for Town Officials.

Tourgee moved to adjourn at 8:51 p.m. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Janet E. Olsson, CMC
Town Clerk