

**TOWN OF WEST GREENWICH
TOWN COUNCIL
REGULAR MEETING
FEBRUARY 17, 2010
(RESCHEDULED FROM FEBRUARY 10, 2010)**

A regular meeting of the West Greenwich Town Council was held on February 17, 2010 (rescheduled from February 10, 2010). Present were Robert Butler, Mark Tourgee, Thaylen Waltonen, Susan Woloohojian and Kelly Stewart. Also present were Town Administrator Kevin Breene and Town Solicitor Michael Ursillo. Butler called the meeting to order at 7:36 p.m. with the Pledge of Allegiance.

CONSENT AGENDA

Tourgee moved to approve the Consent Agenda with corrections to the minutes of the January 13, 2010 meeting and Correspondence Items 2, 3, 6 and 8 and Report Items 2, 5 & 6 removed for further consideration. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – abstain, Woloohojian – aye, Stewart – aye.

I. MINUTES

1. MINUTES OF MEETING OF JANUARY 13, 2010

II. REPORTS

1. TOWN CLERK RECEIPTS –JANUARY, 2010
2. PLANNING DEPT. MONTHLY REPORT – JANUARY, 2010
3. TREASURER’S REPORT – JANUARY, 2010
4. POLICE DEPT. MONTHLY REPORT – JANUARY, 2010
5. TAX ASSESSOR’S OFFICE MONTHLY REPORT – JANUARY, 2010
6. BUILDING INSPECTOR’S OFFICE MONTHLY REPORT –
JANUARY, 2010
7. HIGHWAY SUPERVISOR’S MONTHLY REPORT – JANUARY, 2010

8. PAYROLL REPORT
PAY PERIODS JANUARY 8, 2010 – JANUARY 29, 2010
9. TOWN MONTHLY/QUARTERLY REPORT FY 2009/2010 SUMMARY
PERIOD ENDING DECEMBER 31, 2009
10. SCHOOL DISTRICT MONTHLY/QUARTERLY REPORT FY 2009/2010 SUMMARY
PERIOD ENDING DECEMBER 31, 2009

III. CORRESPONDENCE

1. CONSERVATION COMMISSION – MINUTES OF JANUARY 7, 2010 MEETING
2. WEST GREENWICH LAND TRUST – MINUTES OF OCTOBER 13, 2010
3. WEST GREENWICH LAND TRUST – MINUTES OF NOVEMBER 10, 2009
4. FIRE BOARD OF ENGINEERS – MINUTES OF NOVEMBER 16, 2009
5. RI DEPT. OF LABOR AND TRAINING
JANUARY 29, 2010
RE: DECISION ON MICHELLE L. JOHNSON’S UNEMPLOYMENT CLAIM
6. RHODE ISLAND LABORERS’ DISTRICT COUNCIL
JANUARY 28, 2010
RE: NOTICE THAT LOCAL UNION 1322 ELECTS T EXTEND AGREEMENT AND
BEGIN NEGOTIATIONS FOR SUCCESSOR AGREEMENT
7. RI DIVISION OF MUNICIPAL FINANCE
MUNICIPAL FISCAL STRESS TEST
FINANCIAL FLEXIBILITY FY 2010: INDICATORS
8. COPY OF EMAIL FROM
DANIELLE ANDREWS
TO
KELLY STEWART
FEBRUARY 3, 2010
RE: ADP REPORT REQUEST
9. CHARTER REVIEW COMMISSION
NOTICE ON TOWN’S WEBSITE

IV. ADDITIONS, ABATEMENTS & REBATES

1. REQUEST OF TAX ASSESSOR – FEBRUARY 3, 2010

| <u>January</u> | | | |
|---------------------------------------|-----------------|---------------|----------------|
| <u>ACCT #</u> | <u>NAME</u> | <u>AMOUNT</u> | <u>REASON</u> |
| <u>MV Abatements 2009-2010</u> | | | |
| 10-0014-52 | Jacobson, Donna | \$169.46 | Registry Error |
| <u>MV Additions 2009-2010</u> | | | |
| 10-0014-52 | Jacobson, Donna | \$153.60 | Registry Error |

V. CHECK SUMMARY REPORT

1. JANUARY, 2010

(OLD) UNFINISHED BUSINESS

SECOND READING - AMENDMENT TO ORDINANCE NO. 25 REGULATING MOTOR BOATS ON LAKE MISHNOCK

Butler opened the following public hearing:

**THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
AMENDMENT TO ORDINANCE NO. 25
RELATING TO
REGULATION OF GAS OPERATED INTERNAL COMBUSTION ENGINES
ON LAKE MISHNOCK**

Notice is hereby given that the Town Council of the Town of West Greenwich will hold a public hearing on Wednesday, February 10, 2010 at 7:30 p.m. in the Council Chambers at the West Greenwich Town Hall, 280 Victory Highway, on the amendment of the following town ordinance:

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

Section 1.

1. No person shall operate a gas-operated internal combustion engine of any kind on Mishnock Lake in the Town of West Greenwich.
2. Electric-powered or wind-powered boats shall not be operated closer than fifty (50) feet from any swimmer in said Lake.
3. Any person who operates a gas-operated internal combustion engine of any kind in violation of this ordinance shall be fined not more than One Hundred (\$100.00) Dollars for each offense.
4. This ordinance shall take effect upon its passage.

* * *

Section 2. This ordinance shall take effect upon passage.

The proposed ordinance 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. All such alterations or amendments will be presented for comment in the course of the public hearing.

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

The West Greenwich Town Hall is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired must call the West Greenwich Town Hall at 392-3800, not less than seventy-two hours in advance of the meeting date.

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

Stewart expressed concern for getting the word out that this ordinance was now in effect.

Diane Blaquiere requested signs be made.

Patricia Walker suggested the school blast email it was a kid issue.

Woloohojian moved to constitute second reading and passage. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

REQUEST FOR ZONING MAP CHANGE – THAYDEN & LINDA WALTONEN, PLAT 6, LOT 13-1, 389 MISHNOCK ROAD – CONTINUE TO MARCH 10, 2010 (OR LATER)

Tourgee moved to continue the hearing on this matter until May 5, 2010. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – abstain, Woloohojian – aye, Stewart – aye.

NEW BUSINESS

REQUEST OF THOMAS H. CLARKE FOR ZONING MAP CHANGE AND COMPREHENSIVE PLAN FUTURE LAND USE MAP PLAT 3, LOT 21 FROM RFR-2 TO HIGHWAY BUSINESS

Town Planner Jenny Paquet noted this matter had been continued by the Planning Board.

Stewart moved to continue the hearing on this matter until April 7, 2010. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

REQUEST OF BEST NEW ENGLAND, INC. FOR ZONING MAP CHANGE PLAT 48, LOT 2-3 AND PLAT 49, LOT 3 FROM RFR-2 TO HIGHWAY BUSINESS

Town Planner Jenny Paquet noted this matter had been continued by the Planning Board and the scheduled site visit had been cancelled due to liability issues of having the public attend. Board members could go individually.

Waltonen moved to continue the hearing on this matter until April 7, 2010. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

HEARING ON AMENDMENTS TO STORM WATER MANAGEMENT PROGRAM PLAN (SWMPP)

Butler opened the following public hearing:

TOWN OF WEST GREENWICH NOTICE OF PUBLIC HEARING

AMENDMENT TO STORMWATER MANAGEMENT PLAN

A public hearing will be held before the Town Council of the Town of West Greenwich, Wednesday evening, February 10, 2010 at 7:30 p.m. in the Town Council Chambers at Town Hall, 280 Victory Highway, West Greenwich, RI 02817, for the purpose of considering amendments to the West Greenwich Phase II Stormwater Management Plan. At such time, opportunity will be given to all persons interested to be heard.

The proposed amendments may be examined in the Office of the Town Planner in the Town Hall, between 9 a.m. and 4 p.m.. The proposed changes are also posted on the Town's website at http://www.wgtownri.org/departments/planning/storm_water.php

The proposed amendments may be altered 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 must be presented for comment in the course of said Public Hearing.

A Stormwater Management Plan is required pursuant to the Rhode Island Pollutant Discharge Elimination System (RIPDES) Phase II Storm Water Program. This program requires municipalities with stormwater drainage systems to implement programs and practices to minimize pollution from stormwater runoff.

The Town's Planning Department is the lead agency coordinating this project. For more information contact Jennifer Paquet, West Greenwich Town Planner at 392-3800 x 121.

Individuals requesting interpreter services for the hearing impaired must call 401-392-3800 seventy-two (72) hours in advance of the public hearing.

Town Planner Jenny Paquet noted that the proposed changes were lengthy and were proposed to make the Town's Plan compliant with the State. She noted that the Soccer League had made recommendations.

Town Solicitor Ursillo noted that every community had to update their Stormwater Management Program Plans.

Waltonen moved to approve the amendments to the Storm Water Management Program as presented. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

SET DATE FOR CDBG HEARING (BETWEEN 3/16/2010 – 4/9/2010)

Waltonen moved to set the date of the CDBG hearing for the April 7, 2010 regular meeting. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

AUTHORIZATION TO GO OUT TO BID FOR AUDIT

Waltonen moved authorization to go out to bid for the Audit. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

CONSIDERATION OF CHANGE OF TIME FOR COUNCIL MEETINGS

Discussion was held on changing the time of the Council meetings. No change was made.

LIQUOR LICENSING BOARD

REQUEST OF SOUTH COUNTY ROD & GUN CLUB FOR CLASS F1 – ONE DAY LIQUOR LICENSE FEBRUARY 28, 2010

Waltonen moved to adjourn as the Town Council and convene as the Liquor Licensing Board at 8:12 p.m. Tourgee seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Tourgee moved to approve the request of South County Rod and Gun Club for a Class F1 Liquor License for February 28, 2010 and waive the fee. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Waltonen moved to adjourn as the Liquor Licensing Board and reconvene as the Town Council at 8:14 p.m. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

APPOINTMENT - LAND TRUST

Town Administrator Kevin Breene had submitted a letter recommending appointment of Kevin Fortin to the Land Trust.

Steve Wright spoke on his behalf.

Woloohojian moved to appoint Kevin P. Fortin to the Land Trust.

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

PRESENTATION BY KEVIN ESSINGTON OF THE NATURE CONSERVANCY REGARDING WOOD-PAWCATUCK WAATERSHED WILD AND SCENIC RIVERS DESIGNATION

This matter is to be rescheduled.

APPOINTMENTS TO TILLINGHAST POND MANAGEMENT AREA

Butler noted the original makeup of the Committee as of March 19, 2008 was Kevin Breene with a one-year term, Gilbert Rathbun with a two-year term and Stephen Wright with a three-year term.

Town Administrator Breene explained the purpose of the Tillinghast Pond Management Area Committee was to oversee what happens on the property that was purchased by the Town.

Steve Wright noted the importance of having representation on the Committee from the Town.

Tourgee moved to continue this matter to March 10, 2010. Waltonen seconded.

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

This matter was to be posted on the website.

FUNDING OF HENRY B. WRIGHT SCHOLARSHIP

Discussion was held on budgeting for this scholarship.

Woloohojian moved to continue the funding for this scholarship.

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

The following corrections and clarifications to the minutes of January 13, 2010 meeting were considered:

The minutes were clarified regarding Appointment of Tax Assessor. Stewart noted that she questioned why the term of the tax assessor didn't coincide with the election term.

Stewart questioned if the salary adjustments that were made were in violation of the Charter which noted that salaries were to be fixed at the Financial Town Meeting. Town Solicitor Ursillo noted the salary line items were for the entire department.

Stewart noted that she had not received the payment plan status for properties on the tax sale. She noted there should be a plan that was fixed for everyone. Town Administrator Breene suggested she meet with the Tax Collector Clerk to review the plans.

Waltonen questioned the reason for Tourgee's recusal regarding licenses for V&D Subs and Salads.

Waltonen questioned the sending of the application of Thomas H. Clarke to the Conservation Commission and if it should have also been sent to the Planning Board. It was noted it was already before the Planning Board.

Waltonen noted the price of the bids for the surplus vehicles should be included in the minutes.

Waltonen requested an accounting from Dan Kinder for the negotiating the Police Union Contract.

The following Correspondence items that were removed from the Consent Agenda were considered:

2. WEST GREENWICH LAND TRUST – MINUTES OF OCTOBER 13, 2010
3. WEST GREENWICH LAND TRUST – MINUTES OF NOVEMBER 10, 2009

Waltonen questioned the timing of the minutes making the agenda and asked that items received be date stamped.

6. RHODE ISLAND LABORERS' DISTRICT COUNCIL
JANUARY 28, 2010
RE: NOTICE THAT LOCAL UNION 1322 ELECTS TO EXTEND AGREEMENT
AND BEGIN NEGOTIATIONS FOR SUCCESSOR AGREEMENT

Stewart questioned this correspondence.

Solicitor Ursillo advised that this was a request to begin negotiations and dates would need to be set.

8. COPY OF EMAIL FROM
DANIELLE ANDREWS
TO
KELLY STEWART
FEBRUARY 3, 2010
RE: ADP REPORT REQUEST

Stewart questioned a payroll report from ADP. Discussion was held on their being an additional cost for this and it containing confidential information.

The following Report items that were removed from the Consent Agenda were considered:

5. TAX ASSESSOR'S OFFICE MONTHLY REPORT – JANUARY, 2010

Waltonen questioned two members constituting a quorum on the three member Tax Board of Review and the length of the meeting.

Tax Assessor Charlene Randall explained reason for short meeting was the applicant was not present although aware of the meeting and the meeting was a formality.

6. BUILDING INSPECTOR'S OFFICE MONTHLY REPORT –
JANUARY, 2010

Waltonen noted low amount of fees.

Waltonen questioned computerized forms developed by the previous Building Official. Building Official Dave Tacey the computerized forms were not state approved forms but the State was working on such a program.

2. PLANNING DEPT. MONTHLY REPORT – JANUARY, 2010

Stewart questioned the plat and lot number of the Butler/Howard Administrative Subdivision . It was noted that it was Plat 33, Lots 3 & 4.

Tourgee moved to approve the items removed from the Consent Agenda.

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

PUBLIC FORUM

Mrs. Joni Waltonen addressed the Council concerning actions against her at the last meeting, an email sent out by the Animal Control Officer regarding holding times for animals and the Town Charter Review Commission.

Discussion was held on the animals that had been put down and the number of animals that had been placed in homes. Chief Lepre was to provide a report regarding the disposition of animals during the last year.

EXECUTIVE SESSION – PURSUANT TO RIGL 42-46-5,A, 1, 2 - PERSONNEL & LITIGATION & COLLECTIVE BARGAINING

Waltonen moved to go into executive session for matters of personnel & litigation and collective bargaining pursuant to RIGL 42-46-5, a 1 & 2 at 9:24 pm. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Waltonen moved to come out of Executive Session and seal the minutes at 10:13 p.m.

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

Waltonen moved to adjourn at 10:13 p.m. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Janet E. Olsson, CMC
Town Clerk