

**TOWN OF WEST GREENWICH  
TOWN COUNCIL  
REGULAR MEETING  
MARCH 10, 2010**

A regular meeting of the West Greenwich Town Council was held on March 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 7:35 p.m.

**MOMENT OF SILENCE – MICHAEL J. MESSIER**

A moment of silence was observed for Michael J. Messier, 54, who passed away on February 25, 2010. Mr. Messier was Head Coach of the Exeter-West Greenwich High School Football Team and Head Coach of the School's Girls Softball Team.

**CONSENT AGENDA**

Stewart commented on corrections to the minutes being reflected on the website and asked for more detail. Joni Waltonen also commented on the minutes. It was noted that a video of the meetings would soon be on the website.

Tourgee moved to approve the Consent Agenda with Report 6 and Correspondence 6 & 10 removed for further consideration. Woloohojian seconded.

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

**I. MINUTES**

1. MINUTES OF MEETING OF FEBRUARY 17, 2010

**II. REPORTS**

1. TOWN CLERK RECEIPTS –FEBRUARY, 2010
2. PLANNING DEPT. MONTHLY REPORT – FEBRUARY, 2010
3. TREASURER'S REPORT – FEBRUARY, 2010
4. POLICE DEPT. MONTHLY REPORT – FEBRUARY, 2010

5. TAX ASSESSOR'S OFFICE MONTHLY REPORT – FEBRUARY, 2010
6. BUILDING INSPECTOR'S OFFICE MONTHLY REPORT –  
FEBRUARY, 2010
7. HIGHWAY SUPERVISOR'S MONTHLY REPORT – FEBRUARY, 2010
8. PAYROLL & TIME REMAINING REPORT  
PAY PERIODS FEBRUARY 5, 2010 – FEBRUARY 26, 2010
9. POLICE DEPT.  
TIME REMAINING AS OF JANUARY 31, 2010
10. POLICE DEPT.  
TIME REMAINING AS OF FEBRUARY 28, 2010

### **III. CORRESPONDENCE**

1. JENNIFER PAQUET, TOWN PLANNER  
FEBRUARY 25, 2010  
RE: CALCULATED QUOTA FOR ISSUANCE OF RESIDENTIAL BUILDING  
PERMITS
2. CONSERVATION COMMISSION – MINUTES OF FEBRUARY 4, 2010 MEETING
3. CONSERVATION COMMISSION – MINUTES OF FEBRUARY 5, 2009 MEETING
4. FIRE BOARD OF ENGINEERS  
FEBRUARY 23, 2010  
RE: PAID FIRE CHIEF (TOWN WIDE)
5. COPY OF EMAIL FROM CHARLIE DOE, MILLIMAN  
TO COLLEEN J. DERJUE, TOWN TREASURER  
FEBRUARY 26, 2010  
RE: GASBHELP.COM – MILLIMAN'S COST EFFECTIVE SOLUTION TO  
GASB 45
6. EMAIL FROM RICHARD ROULEAU  
FEBRUARY 26, 2010  
RE: KUDOS TO HIGHWAY DEPT.

7. JENNIFER PAQUET TOWN PLANNER  
FEBRUARY 16, 2010  
RE: PROPOSED ZONING MAP CHANGE  
AP 48, LOT 2-3 AND AP 49 LOT 3  
BEST NEW ENGLAND, INC.  
NOTICE OF CONTINUANCE
  
  8. JENNIFER PAQUET TOWN PLANNER  
FEBRUARY 16, 2010  
RE: PROPOSED ZONING MAP CHANGE AND AMENDMENT TO  
COMPREHENSIVE PLAN  
AP 3, LOT 21  
LEWIS & CLARKE ENTERPRISES, INC.  
NOTICE OF CONTINUANCE
  
  9. DEPARTMENT OF ELDERLY AFFAIRS  
FEBRUARY, 2010  
RE: GOVERNOR'S CENTENARIAN'S BRUNCH
  
  10. SENATOR FRANK MAHER  
MARCH 5, 2010  
RE: FUNDING FORMULA
- IV. ADDITIONS, ABATEMENTS & REBATES**
1. REQUEST OF TAX ASSESSOR – MARCH 3, 2010

**March**

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ACCT #	NAME	AMOUNT	REASON
<b><u>MV Abatements 2009-2010</u></b>			
19-0314-62	Summit Heating Service, Inc	\$469.25	Clerical Error
<b><u>MV Additions 2009-2010</u></b>			
19-0314-62	Summit Heating Service, Inc	\$271.98	Clerical Error

## **V. CHECK SUMMARY REPORT**

1. FEBRUARY, 2010

### **NEW BUSINESS**

#### **AWARDING OF BID FOR AUDIT**

Woloohojian recused herself from the council for this matter.

Town Treasurer Colleen Derjue reported on the bids received which follow and recommended James Nadeau & Company.

James Nadeau & Company – 3 year total \$56,070.00

Lefkowitz, Garfinkel, Champi & Derienzo – 3 year total \$65,345.00

Waltonen moved to award the bid to James Nadeau & Company for a 3 year total of \$56,070.00  
Tourgee seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Stewart – aye.

#### **APPOINTMENTS TO TILLINGHAST POND MANAGEMENT AREA**

Woloohojian recused herself from the council for this matter.

Town Administrator Kevin Breene provided the following memo to the Council:

To: Honorable Town Council  
From: Kevin A. Breene, Town Administrator  
Date: March 10, 2010  
Re: Appointment to the Tillinghast Pond Management Area committee

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Per the Council's request, two positions up for re-appointment were posted on the Town website. As of 4:00 today, no one has inquired or stated an interest in serving on this committee. I would therefore respectfully recommend that the Council re-appoint Kevin Breene to a 3 year term (3/09 - 3/12) and Bill Rathbun to a 3 year term (3/10 - 3/13). The appointment of Steve Wright will expire on 3/1/11.

Steve Wright explained that there were 9 members of the Tillinghast Pond Management Area committee.

Robert Andrews questioned if monies were derived from tree cutting on the property. Town Administrator Breene noted monies derived went back into the Tillinghast Pond Management Council.

Stewart questioned Robert Andrews if he were interested in the position. Stewart moved to appoint Robert Andrews. He declined.

Tourgee moved to re-appoint Kevin Breene to a 3 year term (3/09 - 3/12) and Bill Rathbun to a 3 year term (3/10 - 3/13). Butler seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – abstain, Stewart – nay.

### **APPOINTMENT – BOARD OF CANVASSERS**

The term of Faye Edwards on the Board of Canvassers is up for appointment.

A list of 5 names was requested from both parties and a list was received from the Republican Town Committee. Mr. Jon Sawyer, Chairman of the Democratic Town Committee asked for an extension in submitting names.

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

### **APPOINTMENT – ALTERNATE MEMBER TAX BOARD OF REVIEW**

Town Administrator Kevin Breene provided the following memo to the Council:

TO: Honorable Town Council

FROM: Kevin A. Breene, Town Administrator

DATE: March 2, 2010

SUBJECT: Tax Board of Review Appointment

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I recommend that the Honorable Town Council appoint Sandra Bockes of Hazard Road as an alternate to the Tax Board of Review. Sandra has been an active member in this community for many years. She has a back ground in construction and I think Sandra will fit in very well with our current board and do an excellent job.

Waltonen noted that some town's have a prohibition on serving on more than one board.

Waltonen moved to appoint Sandra Bockes as an alternate member of the Tax Board of Review. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – abstain.

### **TOLLING OF ZONING BOARD AND PLANNING BOARD/COMMISSION DECISION**

Town Planner Jennifer Paquet explained the tolling (temporarily suspending) provided the expiration dates of Municipal Approvals/Permits issued by the Town of West Greenwich Zoning Board and Planning Board as of November 9, 2009 were suspended until July 30, 2011.

### **REQUEST FOR RENEWAL PRIVATE DETECTIVE LICENSE – DAVID F. MASON**

Mr. David Mason was present.

Tourgee moved to approve the renewal Private Detective License of David F. Mason. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

### **CENTREX SUBDIVISION AGREEMENT**

Town Administrator Breene explained that land that Centrex was on was technically State land owned by Rhode Island Industrial Facilities Corporation.

Waltonen questioned if this would set a precedent. Solicitor Ursillo noted these circumstances were rare.

Waltonen moved that Town Administrator Breene is authorized to sign the agreement subject to the review of the Town Solicitor. Woloohojian seconded.

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

### **MEMORANDUM OF AGREEMENT**

MEMORANDUM OF AGREEMENT ("MOA") made this \_\_\_\_\_ day of \_\_\_\_\_ 2010 by and between Centrex Distributors, Inc. ("Centrex") of 119 Hopkins Hill Road, West Greenwich, Rhode Island and the Town of West Greenwich, Rhode Island, through its authorized representatives ("the Town").

WHEREAS, Centrex Distributors, Inc. wishes to purchase from the State of Rhode Island, Department of Transportation certain real estate located in the Town of West Greenwich, ("the property") abutting the Centrex facilities located in the Town of West Greenwich; and

WHEREAS, the property Centrex wishes to acquire is described as:

That certain tract or parcel of land together with all improvements thereon situated on the westerly side of Hopkins Hill Road, and comprising of 19,918 square feet, more or less, located in the Town of West Greenwich, County of Kent, State of Rhode Island and Providence Plantations, and delineated as Parcel 1 on Conveyance Plat No. 1948-A by the Department of Transportation, Division of Public Works, together with all rights appurtenant to said tract or parcel of land, said tract or parcel of land further described in Exhibit A, attached hereto and incorporated herein, and subject to the conditions and restrictions set forth in Exhibit B, attached hereto and incorporated herein.

and; WHEREAS, the Centrex Distributors, Inc. property is delineated as Plat 3, Lot 14 in the Town of West Greenwich comprising 32.9 acres more or less ("Centrex property"); and

WHEREAS, the Centrex property is subject to a number of bond and leasing agreements between Centrex Distributors, Inc. and the Rhode Island Industrial Facilities Corporation ("RIIFC") all duly recorded in the land evidence records of the Town which in essence amount to a mortgagor/mortgagee relationship between Centrex and RIIFC relating to the Centrex property; and

WHEREAS, on or about December 11, 2012 said agreements between Centrex Distributors, Inc., and RIIFC will be fulfilled and Centrex will become owner in fee of the real property delineated as Plat 3, Lot 14 in the Town of West Greenwich; and

WHEREAS, if Centrex Distributors, Inc. purchases the abutting parcel from the State of Rhode Island, Department of Transportation before it satisfies its obligations to RIIFC as set forth *supra* said lot ( Parcel 1 on Conveyance Plat No. 1948-A) will be a non-conforming lot pursuant to the Town's zoning requirements, and Centrex Distributors would not be able to effect an administrative subdivision and merger of the abutting lot until it acquires title in fee of Plat 3, Lot 14, from RIIFC on or about December 11, 2012; and

WHEREAS, Centrex Distributors Inc. desires to purchase Parcel 1 on conveyance Plat No. 1948-A at this time with the understanding said property will ultimately be merged with Plat 3, Lot 14.

NOW, THEREFORE Centrex Distributors, Inc. its successors and assigns, and the Town of West Greenwich through its duly authorized representatives in consideration of the mutual promises and covenants contained herein, agree as follows:

1. Centrex Distributors, Inc. will purchase from the State of Rhode Island, Department of Transportation the lot delineated as Parcel 1 on Conveyance Plat No. 1948-A, as more fully set forth above and incorporated herein by reference, as soon as it can reasonably effectuate a closing on said property; and
2. The Town of West Greenwich through its authorized representatives will accept and record the necessary documents in the land evidence records acknowledging said conveyance despite the fact the application for administrative subdivision and merger will not be filed with the Town until Centrex's obligations to RIIFC are satisfied; and
3. Centrex Distributors, Inc. agrees that upon fulfilling its financial obligations to RIIFC and acquiring title in fee to Plat 3, Lot 14, it will, within a reasonable amount of time thereafter, petition the Town of West Greenwich for an administrative subdivision and merger of Parcel 1 on Conveyance Plat No. 1948-A with Plat 3, Lot 14; and
4. The Town agrees upon Centrex's filing to approve said administrative subdivision and merger pursuant to any rules, regulations or applicable law in a timely manner; and
5. The Town agrees that if Centrex Distributors, Inc. files an application for a building permit to conduct building activities on Parcel 1, Plat No. 1948-A prior to Centrex Distributors, Inc. acquiring title to Lot 3, Plat 14, it will treat the application as if the parcels had been merged and they comprised one lot; and
6. This Memorandum of Agreement embodies the entire agreement and understanding between the parties hereto with respect to the subject matter hereof, and may be changed, waived, discharged, or terminated only by an instrument in writing signed by the parties, their successors or assigns.
7. Any amendment to, modification of, or supplement to this Agreement must be in writing and signed by the parties hereto, their successors or assigns.

IN WITNESS WHEREOF, the parties have executed this MOA this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Town of West Greenwich  
by its \_\_\_\_\_

### **EMAIL FROM ACO**

Chief Ronald Lepre provided a memo regarding the email sent out by ACO Tavares.

Stewart noted when the email went out other residents email addresses were included.

Waltonen noted distress of residents over the term “disposed”.

Town Administrator Breene provided a report as to the number of cats that were euthanized.

ACO Michelle Johnson commented on the foster program.

### **REQUEST FOR ADP PAYROLL RECORDS BY COUNCILPERSON STEWART**

Stewart again requested a more detailed ADP payroll report.

Town Treasurer Colleen Derjue requested a sample of what was requested.

Stewart was to provide a sample.

### **DISCUSSION ON SCHOOL BUDGET**

Stewart reported on the previous nights meeting. She noted the town’s share had not changed since the first meeting which was \$463,874 over last year.

Town Administrator Breene noted that the majority of the increase was for salary increases.

Paul Kaltschnee reported the figures were now on the school dept.’s website.

## **SET DATES FOR BUDGET WORKSHOPS**

A budget workshop was set for March 16, 2010 at 6:30 p.m. It was noted that the budget hearing for the school budget was March 22, 2010 and that the school district financial meeting as April 12, 2010.

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

Reports:

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

Building Official David Tacey provided a letter addressing comments made about his office.

Waltonen commented that his remarks were directed at the position and not the person.

Correspondence:

6. EMAIL FROM RICHARD ROULEAU  
FEBRUARY 26, 2010  
RE: KUDOS TO HIGHWAY DEPT.

A letter from Richard Rouleau was noted complimenting the highway dept.

Waltonen also noted a compliment from a resident.

10. SENATOR FRANK MAHER  
MARCH 5, 2010  
RE: FUNDING FORMULA

Senator Maher commented in an email his frustration with the proposed funding formula which he felt was unfair.

Waltonen moved to approve the items that were removed from the Consent Agenda.

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

## **PUBLIC FORUM**

Waltonen commented on article on Salmon Rushdie.

Stewart questioned a statement made regarding the new bow windows being approved at a meeting noting that she could not find where that had been done. Butler noted that price quotes had been obtained.

Stewart noted the council picture on the website Website did not depict the current Council.

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

Tourgee moved to go into Executive Session pursuant to RIGL 42-46-5, a 1 & 2 at 9:36 p.m. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Woloohojian moved to come out of Executive Session and seal the minutes at 10:24 p.m. except for the following matter --Woloohojian moved to accept the resignation of Raymond Tarbox. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – abstain.-- Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Woloohojian moved to adjourn at 10:24 p.m. Waltonen seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Janet E. Olsson, CMC  
Town Clerk