

**TOWN OF WEST GREENWICH
TOWN COUNCIL
REGULAR MEETING
OCTOBER 13, 2010**

A regular meeting of the West Greenwich Town Council was held on October 13, 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 7:32 p.m. with the Pledge of Allegiance.

CONSENT AGENDA

Tourgee moved to approve the Consent Agenda with Reports 4 & 6, Correspondence Items 1, 2, 3, 8, 9 & 16 and Check Summary removed for further consideration. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – abstain, Woloohojian – aye, Stewart – aye.

I. MINUTES

1. MINUTES OF MEETING OF SEPTEMBER 8, 2010

II. REPORTS

1. TOWN CLERK RECEIPTS – SEPTEMBER, 2010
2. PLANNING DEPT. MONTHLY REPORT – SEPTEMBER, 2010
3. TREASURER’S REPORT – SEPTEMBER, 2010
4. TAX OFFICE MONTHLY REPORT – SEPTEMBER, 2010
5. BUILDING INSPECTORS OFFICE MONTHLY REPORT – SEPTEMBER, 2010
6. PAYROLL & TIME REMAINING REPORT
PAY PERIODS SEPTEMBER 9, 2010 – OCTOBER 7, 2010
7. SPRINT CELL PHONE BILL
BILLING PERIOD 8/11/10 – 9/10/10
8. POLICE DEPT. MONTHLY REPORT – SEPTEMBER, 2010
9. HIGHWAY DEPT. MONTHLY REPORT - SEPTEMBER, 2010

10. MONTHLY/QUARTERLY REPORT FY 2010/2011 SUMMARY
PERIOD ENDING SEPTEMBER 30, 2010

III. CORRESPONDENCE

1. COPY OF LETTER TO RHODE ISLAND WATER RESOURCES BOARD
FROM TOWN ADMINISTRATOR KEVIN BREENE
SEPTEMBER 15, 2010
RE: CONGDON MILL BRIDGE
2. COPY OF LETTER TO GOVERNOR CARCIERI
FROM TOWN ADMINISTRATOR KEVIN BREENE
OCTOBER 5, 2010
RE: BIG RIVER RESERVOIR MANAGEMENT AREA
3. COPY OF LETTER TO GOVERNOR CARCIERI
FROM STATE SENATOR FRANCIS T. MAHER, JR.
SEPTEMBER 30, 2010
RE: BIG RIVER RESERVOIR MANAGEMENT AREA
4. U.S. DEPT. OF JUSTICE
SEPTEMBER 30, 2010
RE: COPS HIRING PROGRAM
NOTICE OF NON-SELECTION
5. MEMO FROM
TOWN SOLICITOR MICHAEL URSILLO
OCTOBER 4, 2010
RE: UNFAIR LABOR PRACTICE – ULP-5972
6. MEMO FROM TOWN TREASURER COLLEEN DERJUE
TO KEVIN BREENE TOWN ADMINISTRATOR
OCTOBER 4, 2010
RE: DISBURSEMENT OF DEM FUNDS FOR THE TRACE RECREATIONAL GRANT
7. DISBURSEMENT BREAKDOWN OF PAYMENT FROM HOPKINS HILL FIRE DEPT.
8. GOVERNOR DONALD CARCIERI
SEPTEMBER 7, 2010
RE: NOTICE OF AWARD OF CDBG GRANT

9. RONALD P LEPRE, CHIEF OF POLICE
OCTOBER 5, 2010
RE: COMMENDATION: OFFICERS DONALD T. FRAVALA AND JOHN L. NARDILILLO, JR.
10. SANTANA ROBERTS
SEPTEMBER 10, 2010
RE: THANK YOU FOR ALLOWING HER TO SPEAK AT COUNCIL MEETING
11. LAKE MISHNOCK FIRE DEPT.
SEPTEMBER 21, 2010
RE: EMERGENCY OPERATIONS DURING ACCIDENTS
12. RI ECONOMIC DEVELOPMENT CORPORATION
OCTOBER 4, 2010
RE: OFFICE OF REGULATORY REFORM
13. MEMO FROM RONALD P. LEPRE CHIEF OF POLICE
TO COLLEEN DERJUE, TOWN TREASURER
SEPTEMBER 29, 2010
RE: REIMBURSEMENT FOR THOMAS E. WALSH
14. COVENTRY/WEST GREENWICH LIONS CLUB
SEPTEMBER 24, 2010
RE: PERMISSION FOR BANNER AND SIGNAGE
15. COPY OF MEMO TO
EWG YOUTH SOCCER ASSOCIATION
FROM TOWN ADMINISTRATOR KEVIN BREENE
RE: ELECTRICITY INVOICE FOR IRRIGATION OF SOCCER FIELDS
16. NOTICE OF DEDICATION OF THE NEW TRACK
OCTOBER 23, 2010

IV. ADDITIONS, ABATEMENTS & REBATES

1. REQUEST OF TAX ASSESSOR/TAX COLLECTOR – OCTOBER 7, 2010

V. UNCOLLECTABLE TAXES

1. REQUEST OF TAX COLLECTOR - OCTOBER 7, 2010

VI. CHECK SUMMARY REPORT

1. SEPTEMBER, 2010

VII. POLE PLACEMENT

1. REQUEST OF VERIZON NEW ENGLAND INC & THE NARRAGANSETT ELECTRIC COMPANY - PETITION (WO#9AAP4L)
PLAIN MEETING HOUSE ROAD

UNFINISHED BUSINESS

PUBLIC HEARING – CONSERVATION DESIGN DEVELOPMENT (CONTINUED FROM SEPTEMBER 8, 2010)

Town Planner Jenny Paquet and Mark Boyer, Chairman of the Planning Board were present.

Town Planner Paquet noted the Planning Board had been working on Conservation Design Development since 2008. She noted that in February, 2010 there had been a joint meeting with the Town Council and the Planning Board regarding this.

Town Planner Paquet explained it was a zoning tool to provide for meaningful open space. She noted that the homes allowed on the property were clustered to provide for more open space. She noted there were no more houses allowed and that there was no bonus lot. She noted it would be an option and not mandatory and not up to the developer. She noted it was an option at the sole discretion of the Planning Board.

Butler noted the Planning Board had voted to approve this matter at its August 16, 2010 meeting.

Town Planner Paquet noted the Planning Board's approval was overwhelmingly supportive.

Waltonen questioned if cluster development could be used in a residential compound. Town Planner Paquet noted that it could not because the minimum lot size in a residential compound was 2 acres with an overall density of 4 acres.

Planning Board Chairman Boyer noted that the compound could not become clustered as the compound had to be on a private road and the clusters had to be on a public road.

Town Planner Paquet noted that existing residential compounds could not be further subdivided. She noted that on page 5, section 5 the words "and allowing reduced road design in accordance with the Residential Compound standards." be stricken.

Town Planner Paquet noted that there were 2 components to this proposal; the zoning ordinance being under the jurisdiction of the Town Council and the subdivision regulations being under the jurisdiction of the Planning Board.

Cathy Fines of Weaver Hill Road questioned if there were any subdivisions currently being looked at that Conservation Development would apply to. Town Planner Paquet noted not at the present time. She noted that in the past there had been subdivisions that would have benefited from this. It was noted that the density would not be increased and the wetlands area was taken out. Cathy Fines asked if the open space could be further subdivided. Town Planner Paquet noted there were a number of safeguards against them.

Stewart questioned if the Planning Board could force a development to be a Conservation Design Development. Town Planner Paquet noted it was at the discretion of the Planning Board.

Linda Eastman of Division Road questioned the affect of using this option on the tax base. Town Planner Paquet noted it would be about the same. Linda Eastman questioned the use of the open space. Town Planner Paquet noted it would have to be agreed upon what the use of the open space would be.

Marilyn Graf of Fry Pond Road questioned who would be taxed on the open space. Town Planner Paquet noted that most of the time it would be the town owning the open space or a non-profit organization.

Butler noted that theoretically a 1 acre house lot was valued the same as a 2 acre house lot.

Tax Assessor Charlene Randall explained that the value was determined by the market.

Michelle Johnson of Weaver Hill Road questioned how many more families could be brought in which would affect the schools. Butler noted an earlier study by former Town Planner Bill Lepak estimated the build out would be about 16,000. He noted that that would take a long time to be accomplished.

Joni Waltonen of Weaver Hill Road questioned the issue of water. Town Planner Paquet explained that the same amount of water had to be derived from the same amount of land. Planning Board Chairman Boyer noted that the Town also had a well ordinance which required that the well be drilled prior to obtaining a building permit to insure that water was available. Town Administrator Breene noted the ordinance was in response to a lack of water in subdivision that was built during a very dry period.

Andrea LaPlume of Fry Pond Road questioned the volume of water required. It was noted that a 5 hour pump test with 1/2 gallon per minute was required.

Michelle Johnson questioned why it was being changed to 1 acre if you could only get the same number of houses. Town Planner Paquet explained that was how the open space was derived.

Butler noted that this would also help to preserve environmentally sensitive lands.

Town Administrator Breene questioned the amount of the lot that had to be buildable. Planning Board Chairman explained the requirements.

Sandy Bockes of Hazard Road noted that this would preserve meaningful open space.

Tom Mulcahey of Fry Pond Road questioned the minimum acreage required and asked how many lots were left in town of that size. Town Administrator Breene noted that there were 157 parcels that were over 20 acres in town.

Planning Board Chairman Boyer noted an example where if this concept had been used the steep slopes in the subdivision and drainage could have been improved.

Waltonen remarked that he felt that approval of the Conservation Design Development should have been a referenda question for the voters. Solicitor Ursillo noted state law prohibited land use issues being voted on by referenda.

Woloohojian asked if the example in another town could be made available on the website.

Woloohojian moved to continue the hearing to December 8, 2010. Stewart seconded.

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

NEW BUSINESS

PUBLIC HEARING - REQUEST OF COMMERCE PARK REALTY, LLC AND BISMARCK REAL ESTATE PARTNERS FOR ZONING ORDINANCE TEXT CHANGE, PLAT 1, LOTS 4-3 & 4-4, CENTRE OF NEW ENGLAND BLVD. EXIT 7 SMD ZONE

Butler opened the following Public Hearing:

TOWN OF WEST GREENWICH

RHODE ISLAND

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Rhode Island General Laws 45-24-53, that a public hearing will be held on Wednesday, October 13, 2010, at 7:30 P.M. in the Town Council Chambers, 280 Victory Highway, West Greenwich, Rhode Island to consider an ordinance amending the Zoning Ordinance - Zoning Use Categories of the Town of West Greenwich.

The Town Council of the Town of West Greenwich ordains that the Zoning Ordinance Text of the Town of West Greenwich as amended as follows relative to the **Petition of Commerce Park Realty, LLC and Bismarck Real Estate Partners**, Centre of New England Blvd.

Proposed by the applicants is an amendment to the Zoning Ordinance Text – Zoning Use Category -633 Automobile Repair Shops be amended from a prohibited use in the SMD-7 Zone to a use requiring a Special Use Permit.

USE CATEGORY	RFR- 2	RFR- 1	OSPL	NBHD	HWY	EXIT 7		
						SMD	INDUS A	INDUS B
63 AUTOMOTIVE REPAIR & SERVICES								
633 Automobile Repair Shops	X	X	X	X	S	⊗ S	S	S

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 of the ordinance amendment can be obtained at the Town Clerk’s Office.

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.

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

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

Mr. Peter Ruggiero, Esq., Ben Caito of Caito Engineering and Joseph Lombardo were present representing the applicant.

Mr. Ruggiero noted the location of the proposal and the reason for the request was to allow automotive repair in the SMD7 district with a special use permit. He noted it was for a Firestone Auto Care store.

Mr. Caito reviewed the plans for the project.

Butler questioned Mr. Nicholas Cambio on road conditions. Mr. Cambio noted the road would be damaged until all of the development was completed.

Mr. Joseph Lombardo, Certified Planner, provided the following report to the Council:

Planning Report on Zoning Text Amendment Application
Prepared for Commerce Park Realty, LLC/ Bismark Real Estate Partners
Proposed Firestone Complete Auto Care Facility
Prepared by: JDL Enterprises- Joseph D. Lombardo, AICP
October 2010

Adrian Knott of Browns Corner Road questioned stormwater from 95 being dumped on this property. Mr. Caito explained that a physical alteration permit had been obtained.

Woloohojian moved to an amendment to the Zoning Ordinance Use Table
Approve amendment of use table Use Category 633 Automobile Repair Shops from prohibited to allowed by Special Use Permit in the Exit 7 SMD Zone as set forth in the application of Commerce Park Realty and Bismark Real Estate Partners. In support of the motion, the Council finds that the amendment is consistent with the Comprehensive Plan and adopts the findings of fact, the finding of consistency with the Comprehensive Plan, and the findings of consistency for the purposes of zoning adopted by the Planning Board and forwarded to the Council in correspondence dated September 15, 2010. In further support of the motion the Council finds as credible the evidence that was presented by Mr. Joseph Lombardo with regards to consistency with the Comprehensive Plan. A condition is made that all water runoff, sewer and waste water is handled by the existing infrastructure underground. Stewart seconded.

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

DISCUSS/RATIFY LABOR CONTRACT WITH DISPATCHERS LOCAL 1322

A one year contract extension between the Town of West Greenwich and the Rhode Island Laborer's District Council on behalf of Local Union 1322 - Civilian Employees with amendments was reviewed by the Council. It was noted that the records clerk and the administrative assistant to the contract as those position were not in the existing contract.

Waltonen noted his relationship with one of the employees affected by the contract.

Tourgee moved to ratify the contract extension and addendum with Dispatchers Local 1322 as presented. Butler seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – nay, Woloohojian – nay, Stewart – nay. Motion fails.

Stewart and Woloohojian noted their reasons for voting against this was the pay increase for the administrative assistant.

REQUEST TO GO OUT TO BID FOR ROAD SAND

Highway Supervisor Claude Wright requested to go out for bids for road sand.

Stewart moved to authorize to go out to bid for road sand. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

SET DATE FOR HEARING RENEWAL LIQUOR LICENSES (NOVEMBER 17, 2010)

Waltonen moved to set a date of November 17, 2010 for hearing for renewal liquor licenses. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

SET DATE FOR HEARING RENEWAL 24 HOUR VICTUALING LICENSES (NOVEMBER 17, 2010)

Waltonen moved to set a date of November 17, 2010 for hearing of renewal 24 hour victualing licenses. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

SET DATE FOR HEARING - FLOOD PLAIN MANAGEMENT REGULATIONS

Waltonen moved to set a date of November 17, 2010 for hearing of Flood Plain Management Regulations. Stewart seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

REAPPOINTMENT OF HIGHWAY SUPERVISOR

Mr. Claude Wright was present.

Waltonen moved to reappoint Claude Wright as Highway Supervisor for a 5 year term. Woloohojian seconded. VOTED: Butler – aye, Tourgee – aye, Waltonen – aye, Woloohojian – aye, Stewart – aye.

Mr. Adrian Knott spoke in favor of the appointment.

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

4. TAX OFFICE MONTHLY REPORT – SEPTEMBER, 2010

Stewart questioned payment plan not being signed. Tax Assessor Randall noted it was one that carried over from the previous tax collector.

6. PAYROLL & TIME REMAINING REPORT PAY PERIODS SEPTEMBER 9, 2010 – OCTOBER 7, 2010

Stewart noted Electrical and Plumbing/Mechanical officials now being paid at \$35 per inspection.

VI. CHECK SUMMARY REPORT

1. SEPTEMBER, 2010

Stewart questioned a bill from IMC in the amount of \$10,000. Chief Lepre noted it was for the records data base for the Police Dept.

1. COPY OF LETTER TO RHODE ISLAND WATER RESOURCES BOARD FROM TOWN ADMINISTRATOR KEVIN BREENE SEPTEMBER 15, 2010 RE: CONGDON MILL BRIDGE

Butler commented on the bridge being a state bridge and the Town was able to get the bridge fixed quickly and for \$17,000.

2. COPY OF LETTER TO GOVERNOR CARCIERI
FROM TOWN ADMINISTRATOR KEVIN BREENE
OCTOBER 5, 2010
RE: BIG RIVER RESERVOIR MANAGEMENT AREA

Butler commented on the letter sent to the Governor.

3. COPY OF LETTER TO GOVERNOR CARCIERI
FROM STATE SENATOR FRANCIS T. MAHER, JR.
SEPTEMBER 30, 2010
RE: BIG RIVER RESERVOIR MANAGEMENT AREA

Butler commented this letter was similar to the one sent by Town Administrator Breene.

8. GOVERNOR DONALD CARCIERI
SEPTEMBER 7, 2010
RE: NOTICE OF AWARD OF CDBG GRANT

Butler noted the notice of the award of the CDBG Grant in the amount of \$14, 217.

9. RONALD P LEPRE, CHIEF OF POLICE
OCTOBER 5, 2010
RE: COMMENDATION: OFFICERS DONALD T. FRAVALA AND JOHN L.
NARDILILLO, JR.

Butler read a commendation for Officers Fravala and Nardillo regarding apprehending a robber at the Shell station.

A formal commendation would be held on November 17, 2010.

16. NOTICE OF DEDICATION OF THE NEW TRACK
OCTOBER 23, 2010

The dedication of the new track is to be held on October 23, 2010.

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

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

PUBLIC FORUM

Andrea LaPlume of Fry Pond Road commented that she felt the behavior at the last Town Council meeting was appalling. She questioned what the issues were with Charlene Randall.

Waltonen questioned Tourgee regarding him seeking an ethics opinion.

Tourgee reported he had sought an opinion from the Ethics Commission and that he was within his rights to vote on the matter in question.

Adrian Knott of Browns Corner Road thanked Butler for taking over as Council President.

Kelly Stewart, Robin Hollow Road, speaking as a tax-payer, responding to Andrea LaPlume, noted that her tax issue was not the reason for the issue with Charlene Randall.

Andrea LaPlume responded she had not brought that up.

Woloohojian commented that she agreed with Andrea LaPlume.

Waltonen moved to adjourn at 9:12 p.m. Tourgee seconded.

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

Janet E. Olsson, CMC
Town Clerk