

**TOWN OF WEST GREENWICH  
TOWN COUNCIL**

---

**REGULAR MEETING  
December 11, 2013**

A regular meeting of the West Greenwich Town Council was held on December 11, 2013. Present were Mark Tourgee, Robert Andrews and Thomas Mulcahey. Also present were Town Administrator Kevin Breene and Town Solicitor Michael Ursillo.

**A. CALL TO ORDER - 7:00 P.M.**

Council President Tourgee called the meeting to order at 7:05 P.M.

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**C. ANNOUNCEMENTS**

Council President Tourgee made the following announcements: Attention Veterans: The new 2013 edition of Federal Benefits of Veterans, Dependents and Survivors is now available at the library. The Town website also has a link to the Veterans Guide to the Affordable Care Act as well information on military discounts. The Town Sergeant Frank Vollucci was instrumental on getting information on military benefits. Vollucci spoke on the website available and requirements for Veterans discounts.

Council President Tourgee continued with the following announcements: Gingerbread House Decorating will be held at Louttit Library on Saturday, December 14<sup>th</sup> at 10 A.M. and Holiday Band Concert will be held at EWG Auditorium on Sunday, December 15<sup>th</sup> at 3 P.M.

**D. CONSENT AGENDA - All items on the Consent Agenda are considered routine by the Town Council and may be enacted by one motion. There will be no separate discussion of these items unless a member of the Council so requests, in which event the item will be removed from Consent Agenda consideration and considered in sequential order. The List of Consent Agenda Items is appended below.**

Council President Tourgee requested Correspondence items 1 & 5 to be pulled for further consideration.

Councilman Mulcahey moved to approve the Consent Agenda with Correspondence 1 & 5 pulled for further consideration. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**I. MINUTES**

1. APPROVAL OF MINUTES OF MEETING OF NOVEMBER 6, 2013
2. APPROVAL OF MINUTES OF EXECUTIVE SESSION- NOVEMBER 6, 2013 (SEALED)

**II. REPORTS**

**(THE FOLLOWING REPORTS ARE RECEIVED BY THE TOWN COUNCIL.)**

1. TOWN CLERK REPORT – NOVEMBER, 2013
2. POLICE DEPT. REPORT – NOVEMBER, 2013
3. BUILDING OFFICIAL REPORT – NOVEMBER, 2013

**TOWN OF WEST GREENWICH  
TOWN COUNCIL**

---

**REGULAR MEETING  
December 11, 2013**

4. TAX OFFICE MONTHLY REPORT – NOVEMBER, 2013
5. PLANNING DEPT. MONTHLY REPORT – NOVEMBER, 2013
6. PUBLIC WORKS DEPT. MONTHLY REPORT – NOVEMBER, 2013

**III. CORRESPONDENCE**

**(THE FOLLOWING CORRESPONDENCE IS RECEIVED BY THE TOWN COUNCIL.)**

2. ZONING BOARD OF REVIEW – MINUTES OF OCTOBER 15, 2013 MEETING
3. CONSERVATION COMMISSION – MINUTES OF NOVEMBER 7, 2013 MEETING
4. COPY OF INSPECTION REPORT TO: TOWN OF WEST GREENWICH  
FROM: DEM OFFICE OF WASTE MANAGEMENT  
NOVEMBER 5, 2013  
RE: TRANSFER STATION
6. COPY OF LETTER TO: WEST GREENWICH PUBLIC SAFETY  
FROM: CHIEF CLAUDE N. TYLER III  
NOVEMBER 21, 2013  
RE: LMFED ENGINE ONE
7. COPY OF LETTER TO: MARK TOURGEE, PRESIDENT  
FROM: CLARKSON COLLINS, CHAIRMAN SRICD  
NOVEMBER 25, 2013  
RE: SUPPORT OF SOUTHERN RHODE ISLAND CONSERVATION DISTRICT
8. COPY OF LETTER TO: KEVIN BREENE, TOWN ADMINISTRATOR  
FROM: BRITTAN K. BATES-MANNI, MS, MEP  
NOVEMBER 7, 2013  
RE: MEDS PLAN
9. COPY OF BIDS- REMEDIATION WORK TO TOWN HALL BASEMENT
10. COPY OF LETTER TO: KEVIN BREENE, TOWN ADMINISTRATOR  
FROM: RONALD J. PAGLIARINI, CHIEF OF STAFF  
NOVEMBER 18, 2013  
RE: TRAFFICKING, TRAUMA AND EXPLOITATION OF CHILDREN IN THE  
CHILD WELFARE SYSTEM

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

December 11, 2013

11. COPY OF LETTER TO: CHIEF BRIAN R. HOXSIE  
FROM: MARGE GARTELMAN, HUMAN SERVICES  
NOVEMBER 25, 2013  
RE: THANK YOU FOR FUNDRAISING EFFORT
  
12. COPY OF MEMORANDUM OF AGREEMENT BY AND BETWEEN  
STATE OF RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND  
STATE OF RHODE ISLAND DEPARTMENT OF ADMINISTRATION FOR  
MANAGEMENT OF THE BIG RIVER MANAGEMENT AREA
  
13. COPY OF LETTER TO: CHIEF CLAUDE TYLER  
FROM: MARGE GARTELMAN, HUMAN SERVICES  
NOVEMBER 27, 2013  
RE: THANK YOU FOR FUNDRAISING EFFORT
  
14. COPY OF LETTER TO: KEVIN A. BREENE, TOWN ADMINISTRATOR  
FROM: FIRE BOARD OF ENGINEERS, TOWN OF WEST GREENWICH  
DECEMBER 2, 2013  
RE: EMERGENCY REPAIR EXPENDITURE
  
15. MEMO TO: WEST GREENWICH TOWN COUNCIL  
FROM: CHARLENE RANDALL, TAX ASSESSOR/COLLECTOR  
RE: SUMMER CONCERT SERIES UPDATE

**IV. ADDITIONS, ABATEMENTS, REBATES & UNCOLLECTABLES**

1. REQUEST OF TAX ASSESSOR/TAX COLLECTOR FOR SPECIFIC UNCOLLECTABLES  
AND VOTE REGARDING SAME – NOVEMBER, 2013

**October**

<b>ACCT #</b>	<b>NAME</b>	<b>AMOUNT</b>	<b>CODE</b>
	<b><u>Abatements</u></b>		
13-0489-84	MOULTON GREGORY P & KAREN L	\$9,147.68	24
19-0192-50	SMITH JOHN F. & LINDA M.	\$4,138.47	24
20-0112-17	TREMBLAY SANDRA J	\$3,865.03	24
	<b><u>ADDITIONS</u></b>		
13-0489-84	MOULTON GREGORY P & KAREN L	\$7,958.89	24
19-0192-50	SMITH JOHN F. & LINDA M.	\$3,417.05	24
20-0112-17	TREMBLAY SANDRA J	\$3,851.45	24

**V. CHECK SUMMARY REPORT**

1. RECEIPT OF CHECK SUMMARY REPORT FOR  
MONTH OF NOVEMBER, 2013  
FROM TOWN TREASURER

TOWN OF WEST GREENWICH

TOWN COUNCIL

---

REGULAR MEETING

December 11, 2013

**F. NEW BUSINESS**

**1. DISCUSSION AND PRESENTATION BY TOWN AUDITOR OF DRAFT FINANCIAL AUDIT  
FY ENDING JUNE 30, 2013**

The Town's auditor, Jeff Wadovick and Michael Olson of Nadeau, Wadovick LLP, presented the preliminary draft of the audit for fiscal year ending June 30, 2013.

Wadovick also reviewed the ten year trend and the increase of education which was funded through the increase in property taxes.

Town Administrator Breene stated taxes are too high and that all Town department budgets have been reduced except for public safety and education.

Discussion ensued on funding the school district.

Town Administrator Breene discussed the difficulty with the Audit in years past. Wadovick stated there were some issues in the past, but all have been addressed. He also stated pension, payroll, and finances are all in good order.

Councilman Andrews asked if the firm audits the school. Wadovick advised his firm does not perform work for the school district.

The following items from the Consent Agenda were considered:

**1. CONSERVATION COMMISSION – MINUTES OF OCTOBER 3, 2013 MEETING**

Council President Tourgee commented on the Conservation Commission minutes with regard to speeding on Hopkins Hill Road and blasting at Cardi's.

Chief Ramsay stated he has not been advised on any issues in that area.

Frank Vollucci, Town Sergeant stated he has witnessed vehicles running through stop signs in that area.

Town Administrator Breene questioned Vollucci on blasting at Cardi's. Vollucci advised operation at Cardi's has been shut down for the winter.

**5. COPY OF LETTER TO: WEST GREENWICH TOWN COUNCIL  
FROM: HEATHER EKLOF, TREASURER EWGGSL  
NOVEMBER 7, 2013  
RE: THANK YOU FOR FUNDING**

Council President Tourgee commented the funding provided to recreation and sports group and read the following letter from Heather Eklof Treasurer of EWGGSL: Dear West Greenwich Town Council Members, Thank you for the \$2,000 funding you granted the Exeter- West Greenwich Girls Softball League for the upcoming year. The recreational sports system is a great, low cost way to bring sports and wholesome family fun to the whole community and we appreciate your contribution. We had an excellent season. The junior and senior recreation leagues played in the spring and into the summer, and were enjoyed by all. The Jr. and Senior High Girls also play on our fields and we were proud to let the rest of the state see how well

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

December 11, 2013

we keep up our fields and the high quality of our facilities. In addition, we hosted three tournaments which bring to our area hundreds of players from all over New England and beyond. We fielded a summer rec team which took home first place in the RI Summer Rec tournament! Fall ball has just finished up and we are winterizing the facility and look forward to a great new season. Thank you again for your support. We really could not have such an outstanding program without your ongoing generosity.

Councilman Mulcahey moved to approve Correspondence items 1 & 5 pulled from the Consent Agenda. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**E. UNFINISHED BUSINESS**

**1. DISCUSSION ON STABILIZING TAXES OF THE ELDERLY-**

Councilman Andrews moved to table Discussion on Stabilizing Taxes of the Elderly. Councilman Mulcahey seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**F. NEW BUSINESS**

**2. DISCUSSION AND VOTE ON RENEWAL OF HOLIDAY/SUNDAY SALES LICENSE-**

**A. BEST WESTERN/WEST GREENWICH INN-99 NOOSENECK HILL ROAD**

**B. KLASSY KUTZ- 780 VICTORY HIGHWAY, UNIT 4**

Councilman Andrews moved to approve the renewal of Holiday/Sunday Sales License for Klassy Kutz and Best Western/West Greenwich Inn subject to compliance with all local and state ordinances and statues relative to Holiday/Sunday Licenses and payment of taxes. Councilman Mulcahey seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**3. DISCUSSION AND VOTE ON RENEWAL OF VICTUALING LICENSE-**

**A. BEST WESTERN/WEST GREENWICH INN-99 NOOSENECK HILL ROAD**

Councilman Andrews moved to approve the renewal of Victualing License for Best Western/West Greenwich Inn subject to compliance with all local and state ordinances and statues relative to Victualing Licenses and payment of taxes. Councilman Mulcahey seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

Councilman Mulcahey moved to adjourn as Town Council and convene as Liquor Licensing Board at 7:30 P.M. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**4. LIQUOR LICENSING BOARD**

**DISCUSSION AND VOTE ON REQUESTS FOR 2:00 A.M. CLOSING – NEW YEAR’S EVE-**

**A. LAKE MISHNOCK GROVE, INC. – MISHNOCK BARN- 200 MISHNOCK ROAD**

**B. NUTZ ON NOOSENECK LLC - TAVERN ON THE HILL- 809 NOOSENECK HILL ROAD**

Councilman Mulcahey moved to approve Mishnock Barn and Tavern on the Hill request to remain open until 2:00 A.M. on New Year’s Eve, December 31, 2013, subject to compliance with all local and state ordinances. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

Councilman Andrews moved to adjourn as Liquor Licensing Board and reconvene as Town council. Councilman Mulcahey seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**TOWN OF WEST GREENWICH**

**TOWN COUNCIL**

---

**REGULAR MEETING**

**December 11, 2013**

**5. DISCUSSION AND VOTE ON JUVENILE HEARING BOARD APPOINTMENTS**

Chief Ramsay discussed the duties of the Juvenile Hearing Board and reviewed the appointment schedule. He also advised that Denise Dupre, Richard Tardiff, Sr. and Kim Moitoza expressed their wish to remain on the board and currently there are two vacancies.

Councilman Mulcahey moved to reappoint Denise Dupre for a three year term, Richard Tardiff, Sr. for a three year term and Kim Moitoza for a one year term to the Juvenile Hearing Board.

Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

Discussion ensued on posting the vacancies on the Town’s website and interested Residents may send their application to the Town Clerks Office.

Town Administrator Breene advised on the history of the board.

**6. DISCUSSION AND VOTE ON AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF WEST GREENWICH**

Town Solicitor Ursillo reviewed the need for legislation to be submitted to the General Assembly to ratify what the voters did at the October 22, 2013 Special Referendum.

Councilman Mulcahey moved to approve the Act Validating and Ratifying Amendment to the Charter of the Town of West Greenwich. Councilman Andrews seconded.

VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**7. DISCUSSION AND VOTE ON FACILITY ROOM USE POLICY**

Town Administrator Breene stated that now that the Town has built a pavilion a use policy similar to the Community Centre and library should be implemented. He also commented on the extensive use of the buildings and facilities of the Town of West Greenwich. He advised on the requests received from community on use of the pavilion and he directed Lisa Morley in the Clerk’s office to review policies in surrounding communities.

Town Administrator Breene reviewed the following policy:

**TOWN OF WEST GREENWICH  
FACILITY ROOM USE POLICY**

**GENERAL POLICY**

It is the policy of the Town of West Greenwich to allow groups and organizations to use Town meeting facilities when those facilities are not needed for Town purposes and when such use does not disrupt the orderly conduct of Town business. The Town has priority for use of all its facilities and reserves the right to preempt any scheduled uses by outside groups.

Indoor meeting facilities are available only for non-commercial uses. The Town currently charges no fee to residents or local nonprofit groups for use of its meeting facilities. The outdoor pavilion may be used by residents at no charge on a first-come, first-serve basis. Nonresidents, groups or commercial entities may use the pavilion for meetings or gatherings with approval of the Town Council/Town Administrator for a fee of \$50.00 per event.

**TOWN OF WEST GREENWICH**

**TOWN COUNCIL**

---

**REGULAR MEETING**

**December 11, 2013**

Each group must designate a contact person at the time of reservation who will complete a Town Facility Reservation Application and who will be responsible for the group's compliance with the terms and conditions of use as set forth in this Use Policy.

Recurring meetings may be allowed. Nonprofit, civic and educational groups may request meetings on a recurring basis. Reservations for recurring events may be scheduled using a single Town Facility Reservation Application and are required to be renewed annually.

**TERMS OF USE**

***Facilities***

Any group or organization using Town facilities will be held responsible for any and all damages caused to the premises beyond normal wear and tear. Town facilities should be left in the same condition as it was found. Disposal of refuse is the responsibility of the user and must not be left on the premises without prior arrangements.

Debris must be broom swept and disposed of from the pavilion floor.

All desks, podiums and tables may not be moved in any way without prior approval of the Clerk's Office.

Tacks, nails, glue or tape shall not be used on walls, furnishings or equipment.

Space will not be made available for physical activities.

Town buildings are smoke-free and alcohol-free facilities.

Individuals, groups or organizations booking the Town's facilities assume full responsibility for providing and paying for special accommodations that are requested by participants in accordance with the Americans with Disabilities Act.

***Equipment***

No one shall operate Town equipment unless they are properly trained and given express written permission. Indicate this request on the application form. This may require that a member of the group make an appointment with a staff member of the appropriate facility prior to the meeting to receive the necessary training.

Groups requesting to bring extra equipment onto the site or into the building must indicate this on the application form. The Town is not responsible for the storage of any equipment or supplies. Any personal property or group equipment, supplies or materials left in the room will be the responsibility of the group reserving the facility. The Town assumes no responsibility for any loss or damage to property.

***Meeting Room Signage***

The group or organization must prepare and post appropriate signage in areas leading to the meeting location and must remove all signs after the event.

***Food and Refreshments***

The Town does not provide any food or beverages as part of any facility reservation. If food and/or beverages are to be available to participants, it shall be the responsibility of the participants to arrange for delivery, set-up, clean-up and proper disposal of refuse. Any group requesting a reservation must notify the Town at the time the reservation is made as to whether food and beverages are to be served. **NO ALCOHOLIC BEVERAGES ARE ALLOWED.**

***Changes/Cancellations***

The Town reserves the right to change, cancel or relocate any requested reservation as circumstances warrant.

**TOWN OF WEST GREENWICH**

**TOWN COUNCIL**

---

**REGULAR MEETING**

**December 11, 2013**

Only the contact person may cancel or change a reservation.

***Revocation of Use***

The Town reserves the right to revoke its permission for the use of its facilities by any group or organization that violates or refuses to comply with the rules and regulations established for use of these facilities.

***Other Terms and Conditions***

A certificate of insurance naming the Town as an additional insured may be required at the discretion of the Town Administrator.

The Town reserves the right to attend any meeting held in its facilities to ensure no unlawful activities are occurring on Town premises.

The Town reserves the right to collect payment for costs incurred in the use of any of its meeting rooms or rented spaces and to collect for any damages users cause to the facilities.

The fact that a group is permitted to meet in the Town facility does not in any way constitute Town endorsement of the group's policies or beliefs. Meetings should not be publicized in a manner that suggests Town sponsorship or affiliation. All contacts regarding the meeting must be directed to the organizational contact person. The Town is not responsible for answering questions about a meeting or taking messages related to any meeting.

Adult sponsors (over 21) must be present at all times and must maintain a ratio of no less than one adult per ten children. Any group with members who are under 21 years of age must have an adult sponsor present at all times.

The group or organization using the Town's facilities agrees to defend, indemnify and hold harmless the Town, its employees, officers and officials from any claim for damages arising out of the group's use of Town facilities.

***Denial of Applications***

An application may be denied for reasons including, but not limited to, the following:

- The function will unduly interfere with the general business of Town government.
- The function does not fall within the allowed function type.
- The function is of such nature or duration that it cannot be reasonably accommodated at the
- Town Facility.
- Other such justifiable reason as may be determined.

If any application is denied, the individual listed on the application shall be notified within five business days of the decision, including the reasons for the denial. The individual shall then have the right to request that the application be presented to the Town Administrator for review of the denial.

Town Solicitor Ursillo advised that this was a policy not an ordinance so amendments may be made as needed.

Council President Tourgee reviewed the importance of no smoking, no drinking and no staples within the pavilion. He advised that it is Town Funding so they can limit what groups can use it and residents of West Greenwich would receive first choice.

Council President Tourgee requested this policy be placed on the website.

**TOWN OF WEST GREENWICH  
TOWN COUNCIL**

---

**REGULAR MEETING  
December 11, 2013**

Discussion ensued on use of the building and discretion of the Town Council and Town Administrator.

Town Administrator Breene advised that Boards and Commissions would have precedent.

Discussion ensued on parking and size of events.

Councilman Mulcahey moved to approve the Facility Use Policy. Councilman Andrews seconded.

VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**8. DISCUSSION AND VOTE ON REQUEST FROM FIRE BOARD OF ENGINEERS REGARDING AMENDMENTS TO ORDINANCE NO. 87**

Council President Tourgee reviewed the history Ordinance No. 87.

Town Solicitor Ursillo reviewed the following change requested by the Fire Board of Engineers:

*“Regarding Open Fires”.*

Specifically, the Fire Board would like to recommend that the phrase **and/or leaves** be removed from Section 4, Paragraph (ii), and inserted into Section 2, Paragraph (iii), after the word brush. This paragraph would then read ;( iii) the burning of brush **and/or leaves** when permitted by the Fire Chief.

Town Administrator Breene and Chief Ramsay advised on issues with regard to burning leaves.

Councilman Andrews moved to refer this amendment to the Town Solicitor to draft the changes to Ordinance No. 87. Councilman Mulcahey seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**9. DISCUSSION AND VOTE ON SETTING DATES FOR 2014 REGULAR TOWN COUNCIL MEETINGS**

Council President Tourgee read the proposed dates for Town Council Meetings in 2014: January 8<sup>th</sup>, February 5<sup>th</sup>, March 12<sup>th</sup>, April 9<sup>th</sup>, May 14<sup>th</sup>, June 11<sup>th</sup>, July 9<sup>th</sup>, August 6<sup>th</sup> or 20<sup>th</sup>, September 10<sup>th</sup>, October 8<sup>th</sup>, November 5<sup>th</sup> and December 10<sup>th</sup>.

Discussion ensued on dates.

Councilman Andrews moved to approve the following dates for regular Town Council meetings in 2014: January 8<sup>th</sup>, February 5<sup>th</sup>, March 12<sup>th</sup>, April 9<sup>th</sup>, May 14<sup>th</sup>, June 11<sup>th</sup>, July 9<sup>th</sup>, August 6<sup>th</sup> or 20<sup>th</sup>, September 10<sup>th</sup>, October 8<sup>th</sup>, November 5<sup>th</sup> and December 10<sup>th</sup>. Councilman Mulcahey seconded.

VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**10. EXPLANATION BY TOWN PLANNER JENNIFER PAQUET ON INCLUSIONARY ZONING AMENDMENT TO ZONING ORDINANCE**

Jennifer Paquet, Town Planner discussed the need for ordinances on affordable housing, village districts and in-law apartments. She also advised that ordinances are drafted and the Planning Board had approved them previously.

Town Administrator Breene suggested having a joint meeting with the Planning Board.

Council President Tourgee suggested having a joint meeting with Planning Board in January.

**TOWN OF WEST GREENWICH  
TOWN COUNCIL**

---

**REGULAR MEETING  
December 11, 2013**

Councilman Andrews questioned the use of Exit 5. Paquet stated Exit 5 area due to its large size could have a many potential projects such as village district development and recreation.

Council President Tourgee requested Paquet coordinate the effort for the beginning of January.

**G. PUBLIC FORUM**

Council President Tourgee wished everyone Happy Holidays and a Merry Christmas on behalf of the Town Council.

**H. EXECUTIVE SESSION**

**1. PURSUANT TO RIGL 42-46-5, (A), 2**

**LITIGATION – SWAP INC. VS. Town of West Greenwich Planning Board SHAB 2013 -01.**

Councilman Mulcahey moved to close the meeting and to go into Executive Session at 7:55 P.M. pursuant to RIGL 42-46-5, a, 2 for Litigation relative to SWAP Inc. VS. Town of West Greenwich Planning Board SHAB 2013-01. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

Councilman Mulcahey moved to come out of Executive Session and seal the minutes at 8:28 P.M. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

No votes were made in Executive Session.

Councilman Mulcahey moved to adjourn at 8:29 P.M. Councilman Andrews seconded. VOTED: Tourgee- aye, Andrews - aye, Mulcahey – aye

**ERIN F. LIESE, CMC  
ACTING TOWN CLERK**