

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

A regular meeting of the West Greenwich Town Council was held on October 16, 2013. Present were Mark Tourgee, Susan Woloochian, Gregory Coutcher 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 7:00 P.M.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ANNOUNCEMENTS

Council President Tourgee made the following announcements: The second of three Conservation Commission fall films will be held on Sunday, October 20th at 7 pm in the Community Center behind the library. The film is titled, "Forks over Knives". The last film will be on November 17th. There will be a DEA Drug Take Back Program to be held on October 26th; from 10 am to 2 pm at the WG Police Department. You can bring your left over prescriptions, but please don't bring needles. WG Pack 7 Cub Scout Annual Turkey Dinner Fundraiser is Saturday, November 9th at the WG Fire Station #1,830 Nooseneck Hill Rd. Please contact Julie Lavoie at 640-0149 for tickets. Wednesday, October 30th at EWG High School there is an art show at 6pm and a chorus concert at 7 pm. For more than 20 years the office of Human Services has put together Thanksgiving Dinner Baskets for families in Town who find themselves in need of assistance. Please take a moment to remember families in the community who may find themselves in need of assistance this holiday season. If you would like to donate or find yourself in need of assistance please contact Marge Gartelman at 397-4234. Marge Gartelman, Human Services Director commented on the success and donations to the program.

Council President Tourgee also read the following from the Charter Review Commission: Special Election regarding a proposed change to the West Greenwich Town Charter on Tuesday October 22, 2013 7 am to 8 pm at West Greenwich Town Hall. The Charter Commission met in August to revisit a proposed Charter amendment which was not approved in the 2012 Election. The reason for reconsideration was in response to numerous comments from residents who were unsure what the amendment actually meant. Currently, the Town Clerk's position is an elected post and the person elected is required to be a resident of West Greenwich; this could present major problems for the town if a different person is elected every two years. The Town Clerk's position requires several years of training and certification. Making this a hired position insures continuity and experience in this important office. The Town Clerk is responsible for all Town records and recordings, probate issues, town council minutes, all licensing and operation of an office that processes all State and municipal mandates along with other local duties and responsibilities. It takes a minimum of 3 years of training and experience to become a Certified Municipal Clerk. Since all other department heads (Town Administrator, Chief of Police, Public Works Director, Tax Assessor, Planner, Treasurer, and Building Official) are hired by the Town Council with no residency requirement, it simply makes sense to have the Town Clerk hired in the same manner. It is not an efficient business practice to have the post filled

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

by a winner of a popularity contest at election time. In addition, the Town Council should have the ability to hire the best person for this post. Under this change a Town Clerk could also be removed (fired) for cause as is the case with all other Town employees. After careful consideration the Charter Review Commission voted unanimously to place this question before the voters in an All Day Referendum. Dr. Clyde S. Fish, Charter Commission Chairman and members Myrna Andrews, James Bell, Mark Boyer, Robert Butler, Raymond Stewart, and Kathleen Swann.

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.

Councilman Mulcahey moved to approve the Consent Agenda. Councilman Coutcher seconded.

VOTED: Tourgee- aye, Woloohojian - aye, Coutcher – aye, Mulcahey – aye

I. MINUTES

1. APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 11, 2013
2. APPROVAL OF MINUTES OF EXECUTIVE SESSION- SEPTEMBER 11, 2013 (SEALED)

II. REPORTS

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

1. TOWN CLERK REPORT – SEPTEMBER, 2013
2. PLANNING DEPT. MONTHLY REPORT – SEPTEMBER, 2013
3. POLICE DEPT. REPORT – SEPTEMBER, 2013
4. BUILDING OFFICIAL REPORT – SEPTEMBER, 2013
5. TAX OFFICE MONTHLY REPORT – SEPTEMBER, 2013

III. CORRESPONDENCE

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

1. LAND TRUST – MINUTES OF AUGUST 13, 2013 MEETING
2. CONSERVATION COMMISSION - MINUTES OF SEPTEMBER 5, 2013 MEETING
3. COPY OF PROCLAMATION TO: HONORABLE WEST GREENWICH TOWN COUNCIL
FROM: RICHMOND TOWN COUNCIL
RE: PANCREATIC CANCER AWARENESS MONTH NOVEMBER, 2013

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

4. COPY OF LETTER TO: KEVIN A. BREENE, TOWN ADMINISTRATOR
FROM: PETER KILMARTIN, ATTORNEY GENERAL
SEPTEMBER 23, 2013
RE: FORECLOSURE MEDIATION PROCESS
5. COPY OF LETTER TO: JENNIFER PAQUET, TOWN PLANNER
FROM: BENNY BERGANTINO, DIVISION OF PLANNING
OCTOBER 1, 2013
RE: EAST GREENWICH COMPREHENSIVE PLAN: A STRATEGY FOR THE 21ST CENTURY

IV. ADDITIONS, ABATEMENTS, REBATES & UNCOLLECTABLES

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

ACCT #	<u>September</u> NAME	AMOUNT	CODE
<u>Abatements</u>			
03-0321-84	CORDEIRO ANN M	\$260.65	02
08-0275-68	HUNGRY HILL DEVELOPMENT	\$4,401.76	24
08-0275-70	HUNGRY HILL DEVELOPMENT INC	\$10,506.05	24
13-0389-12	MOORE SABRINA	\$5,625.91	24
<u>ADDITIONS</u>			
03-0321-84	CORDEIRO ANN M	\$198.36	02
08-0275-68	HUNGRY HILL DEVELOPMENT	\$3,982.33	24
08-0275-70	HUNGRY HILL DEVELOPMENT INC	\$8,408.90	24
13-0389-12	MOORE SABRINA	\$4,852.13	24

V. CHECK SUMMARY REPORT

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

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. ANNOUNCEMENT OF RETIREMENT OF DIRECTOR OF LOUTTIT LIBRARY – ELSIE OLTEDALE

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

Council President Tourgee commented on Elsie retirement and service to the Town of West Greenwich. He also read the following proclamation: WHEREAS, Elsie Palmgren Otledale is a life long resident of West Greenwich having grown up on Nooseneck Hill and later Mishnock were she currently resides with her husband David Otledale; and WHEREAS, Elsie attended the one room school house which is now the Louttit Library and later attended Coventry High School and received a Master's of Library Science degree from the University of Rhode Island; and WHEREAS, Elsie volunteered at the Louttit Library for many years, serving as a member of the Louttit Board of Trustees since 1978; and WHEREAS, upon her retirement as a Librarian in the Scituate Public School System she became the Director of Louttit Library in 1994; and WHEREAS, she oversaw many improvements in services, additions and the construction of the new community building named in her honor; and WHEREAS, Elsie is a well known and liked member of the West Greenwich community, having served the Town loyally and faithfully her entire life. NOW, THEREFORE, We, the West Greenwich Town Council, and on behalf of the Citizens of West Greenwich, hereby thank Elsie for her many years of service to the Town and wish her well in her retirement. IN WITNESS WHEREOF, we have set our hands and caused the seal of the Town of West Greenwich to be affixed this 6th day of October, 2013. Signed by Mark D. Tourgee, President, Kevin A. Breene, Town Administrator and Erin F. Liese, Acting Town Clerk.

Elsie Oltedale expressed her gratitude and appreciation for the recognition.

2. INTRODUCTION OF NEW DIRECTOR OF LOUTTIT LIBRARY – ANNETTE FELDMAN

Gerald Young, Chair of the Library Board of Directors introduced Annette Feldman and commented on her qualifications and the hiring process.

Annette Feldman stated her appreciation for the position and commented on the service of Oltedale.

Council President Tourgee commented on Annette Feldman's qualifications.

**4. PRESENTATION ON WILDLIFE CLINIC OF RHODE ISLAND BY LINDA-DEE BRYAN
(This item was taken out of order.)**

Linda-Dee Bryan, resident and volunteer at the Wildlife Clinic of Rhode Island; explained the services provided by the wildlife clinic. She also spoke on hopes of expansion. She further explained that the clinic is supported by volunteer services and fundraisers such as the Wildlife Clinic License Plate.

Town Administrator Breene advised that they would keep the pamphlets at town hall for distribution.

Council President Tourgee suggested putting the materials at the library and on the website.

**3. PRESENTATION ON CELEBRATE WEST GREENWICH DAY/PAVILION BY LAND TRUST CHAIRMAN
STEVEN WRIGHT**

Steven Wright, Chairman of the Land Trust discussed the success of the 7th Annual Celebrate West Greenwich Day held on Sunday, September 29th at the new pavilion.

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

Wright also thanked the following for their time and resources for the event: Public Works Department; Centerville Bank who helped sponsor this year's event; West Greenwich Town Council and Kevin Breene for supporting the Land Trust and approving the construction of the Town's new pavilion; Ken and Barbra Andrews and their entire family who once again provided the fabulous barbecue chicken dinner that was enjoyed by all; Roch's Market for donating all of the fruit and vegetable for the barbecue dinner; Kathy & Brian Swann for sharing their presentation of "Then & Now" of West Greenwich; Keith Yeaw of "All Wood" company who provided demonstration with his portable saw mill; to all of the vendors, 4H groups, Boy Scout Troop 35, environmental groups, West Greenwich Police Department and Hianloland Volunteer Fire Department; Music by "Not Them Again"; Karen Zarlenga, Greg Breene, Jeff Arnold and Alex Smith who judged the Apple Pie Contest; and a special thanks to the Trustees of the West Greenwich Land Trust for all they do to make this day successful.

Wright also congratulated all who participated in special events held and those who were awarded prizes for the Pie Contest, the Photo Contest, and the Tillinghast Pond Bobber Contest.

A slide show of the construction of the pavilion was presented.

Council President Tourgee thanked Tax Assessor/Collector Randall for the slide show presentation. He also commented on the future use of the pavilion; bricks that can be purchased and open space recreation fees.

5. INTRODUCTION AND FIRST READING -ORDINANCE RELATED TO TAX STABILIZATION INCENTIVE FOR INDUSTRIAL, COMMERCIAL AND MANUFACTURING FACILITIES

Town Solicitor Ursillo advised on the legislation enacted to allow for incentives for commercial and industrial expansions and the process for accepting this ordinance.

Councilman Mulcahey moved to constitute first reading of proposed Ordinance No. 95 Relating to Tax Stabilization for Industrial, Commercial and Manufacturing Facilities. Councilman Coutcher seconded. VOTED: Tourgee- aye, Woloohojian - aye, Coutcher – aye, Mulcahey – aye

**THE TOWN OF WEST GREENWICH
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ORDINANCE NO. 95**

AN ORDINANCE RELATED TO TAX STABILIZATION

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

Sec. _____. Tax stabilization incentive for industrial, commercial and manufacturing facilities.

(a) *Authorization.* The town council has the authority under RIGL 44-3-9.8 to exempt from tax payment, in whole or in part, real and personal property which is used for manufacturing or commercial purposes, or to determine a stabilized amount of taxes to be paid on account of the property, notwithstanding the valuation of the property or the tax rate.

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

(b) *Purpose.* In order for the town to grow economically, it must support the rehabilitation, reuse and expansion of existing commercial and industrial buildings, as well as incentivize new construction on vacant/unused space, in order to return them to productive use. The purpose of this section is to provide the town with a tool to promote and encourage the use of vacant space through new construction and development and the expansion, relocation, or renovation of industrial, commercial and manufacturing facilities in the town through tax stabilization with the goal of continuing the town's revitalization and promoting job creation. The high cost of rehabilitating, developing and/or remediating these buildings or parcels for productive use is prohibitively expensive and cannot be achieved without both private and public investment. It is therefore in the public interest to provide property tax incentives for owners of qualifying properties in order that there may be substantial redevelopment of the properties for industrial, manufacturing and commercial uses, and the commercial portion of mixed use developments. This will result in the willingness of a manufacturing or commercial concern to locate in the town; the willingness of a manufacturing firm to expand with an increase in employment or the willingness of a commercial or manufacturing concern to retain or expand its facility in the town and not reduce its workforce in the town; an improvement of the physical plant of the town that will result in long-term economic growth and benefits to the town and the state; or granting of the exemption or stabilization of taxes will inure to the benefit of the town by reason of the willingness of a manufacturing or commercial firm or concern to replace, reconstruct, expand or remodel existing buildings, facilities, fixtures, machines, or equipment with modern buildings, facilities, fixtures, machines, or equipment, resulting in an increase in plant or commercial building investments by the firm or concern in the town.

(c) *Eligibility/criteria.*

(i) For a property to be eligible for this tax stabilization program the subject property must either:

A. Be in need of "substantial rehabilitation and/or new construction and/or vacant for a period of 12 months." For the purposes of this section, "substantial rehabilitation and/or new construction and/or vacant for a period of 12 months" shall mean rehabilitation and/or new construction and/or purchase price of vacant property that adheres to the applicable building and fire codes the cost of which is greater than or equal to \$250,000.00, and equal to at least 25 percent of the then current assessed value (as assessed by the town). Owners of existing industrial, commercial or manufacturing buildings, as well as owners of vacant property upon which new construction of industrial, commercial or manufacturing buildings is to be conducted are eligible to apply for relief under this section. Owners of eligible properties must begin construction or rehabilitation within 12 months of the execution of the subject stabilization agreement and to obtain a certificate of occupancy for such construction or rehabilitation within 36 months of commencement. For the purposes of the foregoing sentence, a temporary certificate of occupancy shall suffice. Owners of properties that fail to meet these deadlines will be required retroactively to pay the difference between their actual stabilized tax payments and what they would have paid if ineligible for the specified tax considerations (unless granted an extension of such applicable deadline due to events of force majeure, as determined by the town council); or

B. Is a property upon which new construction or rehabilitation of or has been vacant for 12 months or more, a nonresidential industrial, commercial or manufacturing facility has been completed or occupied after January 1, 2011, but prior to the passage of this section, that would otherwise be eligible to apply for tax stabilization under the provisions of this section, provided however, in order to qualify for tax stabilization under this subpart (c)(i)B, the costs for substantial rehabilitation and/or new construction and/or purchase price of vacant property shall have been at least \$500,000.00. Applicants under this subsection must present a temporary or permanent certificate of occupancy along with the application for tax stabilization. The date of issuance of the temporary (if issued) or permanent certificate of occupancy shall serve as the completion date for the purpose of determining eligibility under this subsection. Any tax stabilization applied for under this section shall be effective commencing with the year in which the application is accepted and approved by the town council.

(ii) As set forth in subpart (e) below, the tax assessor shall process applications made under this section. To qualify for tax stabilization under this section, whether applying pursuant to subpart (c)(i)A or (c)(i)B above, the tax collector must certify that the applicant and its affiliates owning property in the town are current with regard to all taxes and assessments due and payable to the town. The tax assessor will concurrently confirm the then current pre-construction assessed value of the building at the time of application (based on the applicable assessment at the time). To qualify for tax stabilization under subpart (c)(i)B of this section, the building official for the town must confirm that there are no outstanding notices of violation with respect to the subject property.

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

(iii) Projects consisting of multiple buildings on one lot, or multiple buildings on adjacent lots can be consolidated and treated as one project for the purposes of this section and the requirements hereof. For the purposes of this section, a project involving multiple buildings on one lot shall be deemed "completed" as of the date of issuance of the final building certificate of occupancy. Projects involving residential buildings are not eligible to apply for tax stabilization under this section.

(iv) Costs that qualify for the thresholds set forth above shall be limited to hard construction costs and materials, architectural fees, engineering fees, and legal fees, and shall exclude developer fees or other similar fees paid to applicants or their affiliates. The foregoing shall be confirmed by the building official in connection with its processing of each application.

(d) *Conditions.* Tax stabilizations for eligible properties shall run with the land and be transferable to new owners or tenants, but the duration of the tax consideration period shall not be extended (unless otherwise approved by the town council). If the applicant (or the successor fee owner of a property subject to a stabilization agreement granted hereunder) defaults on any quarterly tax or other payment due and payable to the town (i.e., real estate, motor vehicle, or personal property) that is not the subject of a lawful and unresolved appeal process, the town council may, after a 30-day notice and cure period, order the subject stabilization agreement be terminated. In the event that the town council shall terminate a stabilization agreement for such failure to pay taxes (after applicable notice and cure periods), the applicant (or then current owner, if the applicant is no longer the fee owner) shall thereafter be required to repay all of the taxes which it did not pay as a result of the stabilization agreement granted under this section. The applicant, on its behalf and the behalf of its successors and assigns, shall agree in the applicable stabilization agreement to permit the town to place a lien against the subject property immediately following any such termination by the town council for all such unpaid amounts. Furthermore, the tax stabilization shall cease immediately upon the vacating of the property or if the nonresidential industrial, commercial or manufacturing facility ceases operation; and if the property is vacated or operations cease within five (5) years after the stabilization was granted, the applicant shall owe the town all of the taxes, and interest thereon which it did not pay as a result of the tax stabilization granted under this section. The applicant, its successors and assigns agree to allow the town to place an annual lien against the property which is benefitting from tax stabilization to secure any taxes and interest owed if the property is vacant or operations cease during the first five (5) years after tax stabilization is in effect on the property.

(e) *Procedure.* Any owner of an industrial, commercial and manufacturing facility or vacant parcel may apply for tax stabilization at the office of the tax assessor. The Town Administrator, together with the town tax assessor, shall develop forms and additional procedures consistent with this section, as deemed necessary and proper to effectuate their respective obligations under terms and provisions contained herein. The procedure for eligible properties under this section shall be as follows:

(i) No person shall be entitled to any exemption herein authorized without first filing an application for tax stabilization at the office of the tax assessor. No application shall be considered unless:

A. The application is filed prior to the issuance of a certificate of occupancy (or temporary certificate of occupancy), unless the applicant is applying under subpart (c)(i)B of this section, in which case a certificate of occupancy (or temporary certificate of occupancy) should be filed with the application;

B. The applicant certifies that the project will involve "substantial construction or rehabilitation" (as defined in this section) of an eligible property; and

C. A non-refundable application fee in the amount of one-tenth of one percent (.1%) of the estimated cost of the project is paid to the town;

(ii) Within 15 days of receipt of a completed application (together with the application fee), the tax assessor shall forward a copy of such application to the town building official and the town council. The town council shall review the application and direct the appropriate town departments to conduct required due diligence. All due diligence must be completed within 45 days of the application's submission to the tax assessor.

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

(iii) If the town building official reports a violation of the town building code with respect to subject property, said violations shall be reported to the town council and notice shall be given to the applicant within 30 days. No tax stabilization agreement shall be issued unless and until any and all such violations have been cured, or unless the plans for such project establish that such violation will be cured in connection with such work (and such stabilization agreement shall state that such work shall be a condition of such agreement continuing). With respect to projects applying under subpart (c)(i)B of this section, the applicant shall have 60 days from the date of said notice to cure any outstanding violations or other matters which serve as a valid basis for the building inspector not approving the application. Failure to cure shall result in a cancellation of the application as an incomplete application (unless an extension is granted by the town council) without a prejudicial effect as to the ability of the applicant to reapply.

(iv) If the tax collector reports that an applicant owes taxes to the town with respect to the property which the tax stabilization agreement would apply, notice shall be given to the town council and the applicant within 30 days. The applicant shall have 30 days to make the required tax payment(s). Failure by the applicant to cure any tax deficiencies associated with the subject property shall result in cancellation of the application as an incomplete application (unless an extension is granted by the town council) without a prejudicial effect as to the ability of the applicant to reapply.

(v) Any tax stabilization authorization may require an increase in quality employment proportionate to the increase in facility size or such increase in employment as determined by the town council.

The town council shall review each application and, if all eligibility requirements established in this section are satisfied, may enter into a tax stabilization agreement with the applicant.

(f) *Guidelines for the use of vacant space, expansions of an existing facility, or new facility construction, or renovation of existing facilities.* Tax stabilization guidelines for expansions of existing facility or new facility construction or renovation work greater than or equal to 25 percent of the existing building value up to \$500,000.00 or the use of at least 25 percent of existing vacant space are as follows:

	Percent Exempt from Taxation
Year 1	100
Year 2	80
Year 3	60
Year 4	40
Year 5	20
Year 6	0

Such relief is provided on the use of vacant space or the expansion of an existing facility, a new facility or renovation, reconstruction, remodeling, or conversion work greater than or equal to 25 percent of the existing building value only and does not change or effect any preexisting valuation.

(g) *Guidelines for tax stabilizations issued for substantial rehabilitation and/or new construction concerning qualifying properties of facilities investing over \$500,000.00 in the use of vacant space or the expansion of existing facilities, or new construction, or renovation of existing facilities.* If the cost of expansion of an existing facility or construction of a new facility or renovation work is over \$500,000.00, the effect of the tax stabilization shall be to exempt from taxation, according to the guidelines set forth herein, a percent of the increase in value over the assessed value of the property prior to the commencement of substantial rehabilitation and/or new construction. The following tax stabilization guidelines shall apply to applicants who meet the criteria contained herein and is granted tax stabilization pursuant to this section:

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

	Percent of Increase in Value Exempt from Taxation
Year 1	100
Year 2	85
Year 3	70
Year 4	55
Year 5	40
Year 6	29
Year 7	10
Year 8	0

Such relief is provided on the substantial rehabilitation and/or new construction of vacant land or the expansion of an existing facility, construction of a new facility or renovation, or rehabilitation of an existing facility, in all of the foregoing instances where the costs associated with the work completed were greater than or equal to \$250,000.00 for applicants eligible pursuant to subpart (c)(i)A of this section or greater than or equal to \$500,000.00 for applicants eligible pursuant to subpart (c)(i)B of this section only, all as more specifically set forth above, and does not change or effect any preexisting valuation.

(h) *Revocation.* The town council shall terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application or the materials provided therewith.

(i) *Number of projects.* The number of tax stabilization agreements issued under in connection with this section shall be limited to five (5). Applications shall be considered on a first come, first serve basis (considering only those applications that are deemed complete by the town council). The tax assessor shall keep a list of all applications filed, and shall remove applications that are deemed incomplete by the town council. Upon removal of an incomplete application, the tax assessor shall provide the applicant with notice of such action. The applicant shall not be prejudiced from reapplying for tax consideration. The foregoing number may be increased by the town council.

(j) *Sunset limitation.* Owners of qualifying properties shall have twelve (12) months from the effective date contained herein to apply to the town council for tax stabilization under this section by submitting an application to the tax assessor. The application must be certified as complete by the tax assessor on or before the aforementioned date in order to be considered by the town council.

(k) *Other requirements.* Any applications and agreements under this ordinance must comply with the limitations of RIGL 44-3-9.8 and any permits and/or approvals required by the Town Planning Board and/or any other town board or commission with applicable jurisdiction.

This ordinance shall take effect upon its passage.

G. PUBLIC FORUM

No comments were made.

TOWN OF WEST GREENWICH

TOWN COUNCIL

REGULAR MEETING

October 16, 2013

H. EXECUTIVE SESSION

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

Town Solicitor Ursillo advised that due to notice item 1 pursuant to RIGL 42-46-5, (A) Personnel should be removed and add pursuant to RIGL 42-46-5, (A), 2 potential Police Department Litigation.

Council Vice President Woloohojian moved to strike pursuant to RIGL 42-46-5, (A) Personnel and add Pursuant to RIGL 42-46-5, (A), 2. potential Police Department Litigation. Councilman Coutcher seconded. VOTED: Tourgee- aye, Woloohojian - aye, Coutcher – aye, Mulcahey – aye

Council Vice President Woloohojian moved to close the meeting and to go into Executive Session at 7:51 P.M. pursuant to RIGL 42-46-5 (A) and RIGL 42-46-5, a, 2 for Litigation relative to SWAP Inc. VS. Town of West Greenwich Planning Board SHAB 2013-01 and potential litigation of the Police Department. Councilman Coutcher seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Coutcher – aye, Mulcahey –aye

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

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

3. LITIGATION – Police Department

Council Vice President Woloohojian moved to come out of Executive Session and seal the minutes at 8:58 P.M. Councilman Coutcher seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Coutcher –aye, Mulcahey –aye

No votes were made in Executive Session.

Council Vice President Woloohojian moved to adjourn at 8:59 P.M. Councilman Coutcher seconded.

VOTED: Tourgee- aye, Woloohojian - aye, Coutcher – aye, Mulcahey – aye

ERIN F. LIESE, CMC

ACTING TOWN CLERK