

**TOWN OF WEST GREENWICH
TOWN COUNCIL**

**REGULAR MEETING
September 11, 2013**

A regular meeting of the West Greenwich Town Council was held on September 11, 2013. Present were Mark Tourgee, Susan Woloohojian, Robert Andrews, 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.

West Greenwich Boy Scouts Troup 35 Color Guard posted the colors.

B. PLEDGE OF ALLEGIANCE

West Greenwich Boy Scouts Troup 35 led in the Pledge of Allegiance.

A moment of silence was held in memory of 9/11.

Council President Tourgee made the following remarks regarding September 11th: 12 years ago 19 militants associated with the Islamic extremist group al-Qaeda hijacked four airliners and carried out suicide attacks against targets in the United States. Two of the planes were flown into the towers of the World Trade Center in New York City, a third plane hit the Pentagon just outside Washington, D.C., and the fourth plane crashed in a field in Pennsylvania. Over 3,000 people were killed during the attacks including more than 400 police officers and firefighters. Last year the US embassy was attacked in Benghazi, Libya and 4 Americans died.

C. ANNOUNCEMENTS

Council President Tourgee made the following announcements: Celebrate West Greenwich Day will be held on Sunday, September 29th from noon until 5pm. There will be a ribbon cutting ceremony for the new pavilion, horse drawn carriage rides, a chicken BBQ, farmers market, local vendors, music and much more. Flyers with additional information are available. Hianloland's 37th Annual Arts, Crafts & Collectables Show is this Sunday, September 15th from 10 am until 5 pm at the fire station. Chowder and clam cakes will be available from noon until 4 pm. The WG Conservation Commission is sponsoring a fall film discussion series entitled "Rivers, Diet, Planet" which will be held in the library community center on September 15th, October 20th, and November 17th beginning at 7 pm. There are flyers available with more information. The Pavilion is coming along nicely. No electricity yet and grass and landscaping still to do. Engraved brick orders can still be placed. Order forms are available on line and at the town hall.

Town Administrator Breene advised on the bricks and the open space and recreation fees.

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.

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Councilman Andrews requested Correspondence item 5 be pulled for further consideration.

Councilman Mulcahey moved to approve the Consent Agenda with Correspondence item 5 pulled for further consideration. Council Vice President Woloohojian seconded.

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

I. MINUTES

1. APPROVAL OF MINUTES OF MEETING OF AUGUST 21, 2013
2. APPROVAL OF MINUTES OF EXECUTIVE SESSION- AUGUST 21, 2013 (SEALED)

II. REPORTS

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

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

III. CORRESPONDENCE

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

1. LAND TRUST – MINUTES OF JULY 9, 2013
2. CONSERVATION COMMISSION - MINUTES OF AUGUST 8, 2013 MEETING
3. ZONING BOARD OF REVIEW- MINUTES OF JULY 16, 2013 MEETING
4. COPY OF LETTER TO: HIGHEST ELECTED OFFICIAL
FROM: MARGARITA H. CHATTERTON, SENIOR SANITARY ENGINEER
AUGUST 5, 2013
RE: RIPDES GENERAL PERMIT FOR STORM WATER DISCHARGES

IV. ADDITIONS, ABATEMENTS, REBATES & UNCOLLECTABLES

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

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August

ACCT #	NAME	AMOUNT	CODE
<u>Abatements</u>			
02-0248-89	BOWES STACEY A	\$228.05	09
03-0046-46	CAPITAL LEASE GROUPLTD	\$446.18	02
07-0164-85	GUARINO PAULA M	\$246.22	18
13-0275-53	MCNEES THOMAS R	\$172.02	05
13-0396-76	MORELLI PAUL V	\$575.90	05
16-0033-63	PARENTES LANDSCAPING LLC	\$1,189.46	12
16-0148-17	PETTIGREW SHERRI; TRUSTEE OF THE	\$1,747.31	18
19-0188-95	SMITHS GENERAL TRUCKING CO	\$845.89	05
20-0034-92	TEWART BRIAN	\$76.92	18
20-0115-50	TROJAN DEBORAH R	\$228.05	06

ADDITIONS

02-0248-89	BOWES STACEY A	\$217.78	09
03-0046-46	CAPITAL LEASE GROUPLTD	\$424.35	02
07-0054-64	GIL ROBERT (2004, 2005,2006 & 2007)	\$1,029.95	04
07-0164-85	GUARINO PAULA M	\$196.22	18
13-0275-53	MCNEES THOMAS R	\$126.43	05
13-0396-76	MORELLI PAUL V	\$514.05	05
16-0033-63	PARENTES LANDSCAPING LLC	\$406.37	12
16-0148-17	PETTIGREW SHERRI; TRUSTEE OF THE	\$1,647.31	18
19-0188-95	SMITHS GENERAL TRUCKING CO	\$821.72	05

V. CHECK SUMMARY REPORT

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

The following item was considered from the consent agenda.

5. COPY OF EVENT LISTINGS FOR LEYDEN FARM & WINERY AUGUST, 2013
RE: EVENTS

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Town Administrator Breene advised that residents have stated concern with events and music being held at Leyden Farm and Winery. He also explained that a winery obtains licensing from DEM and not the Town and questioned the parameters of agro-tourism.

Councilman Andrews moved to refer this matter to the Solicitor for further investigation.
Council Vice- President Woloohojian seconded.

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

E. UNFINISHED BUSINESS

1. DISCUSSION AND VOTE ON REQUEST TO CALL PERFORMANCE BOND- OWL RIDGE BOND FOR GUARDRAIL ALONG FRONTAGE ON AP 51, LOT 7-15 ON ORION VIEW DRIVE

Asst. Solicitor Nancy Letendre advised that the Planning Board requested the Council pull the bond to install the guardrail on Orion View Drive.

Public Works Director Wright advised as of last week it was not installed.

Council Vice President Woloohojian authorized the bond be pulled to install a guardrail on Orion View Drive. Councilman Mulcahey seconded.

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

F. NEW BUSINESS

1. PUBLIC HEARING- DISCUSSION AND VOTE ON REQUEST OF ARNOLD FARM PARTNERS, LLP FOR CAMPGROUND LICENSE LOCATED AT 41 ARNOLD FARM ROAD, PLAT 49, LOT 4-1, 25 ARNOLD FARM ROAD, PLAT 49, LOT 4-6 & 33 ARNOLD ARM ROAD PLAT 49, LOT 4-7.

NOTICE OF PUBLIC HEARING UNDER ORDINANCE NO. 11 REGULATING PRIVATELY OWNED CAMPING AREAS

A hearing will be given all interested persons at the Town Hall, 280 Victory Highway, West Greenwich, Rhode Island on **Wednesday, September 11, 2013 at 7:00 P.M.** Said petitions, in detail, are on file in the office of the Town Clerk and may be inspected during regular business hours.

Arnold Farm Partners, LLP, 189 Weaver Hill Road, West Greenwich, RI, for a Recreation Vehicle (RV) Park. Premises located at 41 Arnold Farm Road, Plat 49, Lot 4-1, 25 Arnold Farm Road, Plat 49, Lot 4-6 & 33 Arnold Farm Road Plat 49, Lot 4-7, in Highway Business and RFR-2 Zones.

Individuals requesting interpreter services for the hearing impaired must call 392-3800, ext. 100 seventy-two (72) hours in advance of the meeting date.

Erin F. Liese, CMC
Acting Town Clerk

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Attorney John Paglarini, representing the applicant, reviewed the application for a Recreation Vehicle (RV) Park located at 41 Arnold Farm Road, Plat 49, Lot 4-1, 25 Arnold Farm Road, Plat 49, Lot 4-6 & 33 Arnold Farm Road Plat 49, Lot 4-7. He advised that from March to December they would operate a camp store on site with manager's housing above. They have not finalized the housing with accessibility, water and electricity after December 15th. He also advised that the applicant would like to come back to allow for winter storage of unoccupied units.

Council President Tourgee requested Attorney Paglarini explain what has been approved.

Attorney Paglarini reviewed the following conditions set forth by the Planning Board:

1. No storage of RV campers/trailers over the winter closeout dates.
2. Strictly adhere to shutting down the utilities for the dates specified (November 30 to March 15).
3. No off-site parking permitted and no street parking allowed.
4. Lighting be Dark Sky compliant.
5. The applicant shall present the limited square footage size needed for the store to the Zoning Board and the Town Council.
6. Incorporate the Zoning Board's previous conditions from their recently voided decision.
7. Fire Marshall shall review propane swap out.
8. No fixed structures for the rental spaces allowed, such as decks, sunrooms, or sheds. The concrete slabs are permitted.
9. Fire Marshall approval required and review of possible dry hydrant.

The Zoning Board conditions are as follows:

The West Greenwich Zoning Board of Review, at a meeting held on July 16, 2013 voted Grant (5-0) a for a Special Use Permits under Article I, Section 7, Subsection 2, for a Recreation Vehicle (RV) Park. Premises located at 41 Arnold Farm Road, Plat 49, Lot 4-1, 25 Arnold Farm Road, Plat 49, Lot 4-6 & 33 Arnold Farm Road Plat 49, Lot 4-7, in Highway Business and RFR-2 Zones. The approval is based on the application for 46 sites as presented and the lot amenities limited to what is on the submitted plan. The park can be open from March 15th to November 30th. The Town Planner will meet with the Town council and their review, has the authority to have the applicant combine the lots or leave as is, however the Planner sees fit. Incorporating the Planning Board Discussion recommendations, conditions of approval and finding of facts (1-9). Additional conditions added:

1. No storage of RV campers/trailers over the winter close out dates.
2. Strictly adhere to shutting down the utilities for the dates specified (December 15 to March 15)
3. No off-site parking permitted. (No street parking allowed)
4. Lighting be Dark Sky compliant.
5. The applicant shall present the limited square footage size needed for the store to the Zoning Board and the Town Council.

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6. Incorporate the Zoning Board's previous conditions from the recently voided decision.
7. Fire Marshal shall review propane swap out.
8. No fixed structure for the rental spaces allowed, such as decks, sunrooms, or sheds. The concrete slabs are permitted.
9. Fire Marshal approvals required, and review of possible dry hydrant.
10. 10 foot wide landscaped buffer strip adjacent to the public road, between the parking lot and the property line. The RV spaces are considered parking spaces.
11. A landscape strip minimum width of 4 feet around the perimeter of the paved area of the lot abutting other lots.
12. Additionally, all areas of the site not occupied by buildings and required improvements shall be either left in its natural wooded state, or shall be landscaped by the planting of grass or other vegetative ground cover, shrubs, and trees as part of the approved landscape plan. (Article XIII Section 1.5. b. 10)
13. Size of store/office be limited to 1,100 square feet- footprint.
14. Store/office may contain space for site manager.
15. RV Park rules to contain language prohibiting trespassing of abutting properties.
16. RV Park rules to address night hours of noise regulations.
17. Campfire locations to be advised by planning board and fire marshal.
18. RV Park rules will contain regulations to control ATV use.

Councilman Mulcahey questioned what fire access would be available to the store. Attorney Paglarini explained access.

Council Vice President Woloohojian questioned the size and footprint of the store. Attorney Paglarini stated the store would be limited to 1,100 sq ft footprint and the building would more than likely be two stories.

Council President Tourgee questioned if the manager would live there year round. Attorney Paglarini stated yes, depending on access in winter.

Council President Tourgee stated concern with year round residency.

Town Administrator Breene stated concern with taxes on RV's.

Councilman Coutcher questioned if the store was open to the public and what items would be for sale. Attorney Paglarini stated camp items would be for sale.

Councilman Andrews Recused.

Councilman Coutcher moved to approve the Campground license for Arnold Farm Partners, LLP , 189 Weaver Hill Road, West Greenwich, RI, for a Recreation Vehicle (RV) Park. Premises located at 41 Arnold Farm Road, Plat 49, Lot 4-1, 25 Arnold Farm Road, Plat 49, Lot 4-6 & 33 Arnold Farm Road Plat

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49, Lot 4-7, in Highway Business and RFR-2 Zones, subject to conditions set forth by Zoning and Planning Board. Councilman Mulcahey seconded.

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

2. PUBLIC HEARING- DISCUSSION AND VOTE ON WEST GREENWICH HOME RULE CHARTER AMENDMENTS TO BE PLACED ON WEST GREENWICH SPECIAL REFERENDUM BALLOT

Notice is hereby given that a Public Hearing on proposed Amendments to the West Greenwich Home Rule Charter is scheduled for a Town Council Meeting to be held on **Wednesday, September 11, 2013 at 7:00 P.M., at the West Greenwich Town Hall, 280 Victory Highway, West Greenwich, RI.**

These proposed amendments to the Charter include, but are not necessarily limited to:

1. A proposal that would make the position of Town Clerk one that is appointed by the Town Council, and not limited to electors of the town. Currently, the Town Clerk is an elected official, and office holders are limited to electors of the Town of West Greenwich. If changed this position would be a hired position similar to all other Town Department Heads.

If approved by the Town Council, any one or all of the above proposals, or any new proposal that may be brought forth at the Public Hearing, would be placed on the October 22, 2013 West Greenwich Special Referendum Ballot, and would only become effective upon voter approval.

PLEASE TAKE NOTE that the proposed amendments may be altered or further amended so long as they are raised and presented for comment prior to the close of the public hearing.

A copy of the Charter Amendment proposals listed above are available for public inspection and/or may be obtained at the Office of the Town Clerk between the hours of 8:30 a.m. and 4:00 p.m., Mondays through Fridays. Anyone wishing to be heard on proposed Charter revisions should be present at the aforementioned date and time.

Erin Liese, CMC
Acting Town Clerk

Council President Tourgee reviewed the Charter Review Commission concerns with the position.

Town Solicitor Ursillo advised that the Town Council endorsed the Charter Review Commission question and date previously and this was an informational Public Hearing.

Town Administrator Breene discussed this change would take politics out of the position and would be consistent with every other Department Head position. He also explained that “hired” is the same as “appointed”.

Council President Tourgee explained that the Police Chief, Public Works Director, Tax Assessor, Treasurer and Town Administrator positions do not require residency and are hired based on qualifications; with the change the Town Clerk would be hired under the same conditions.

Town Administrator Breene discussed the history of Charter Changes regarding appointed positions.

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Councilman Mulcahey moved to approve the proposed Charter Amendment to be place on ballot for October 22, 2013. Councilman Andrews seconded.

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

3. DISCUSSION AND VOTE ON REPLACEMENT OF ANIMAL CONTROL VAN

Chief Ramsay reviewed the research performed on replacing the Animal Control van.

Town Solicitor Ursillo and Chief Ramsay discussed the benefits of the Town belonging to the Greater Boston Bid.

Councilman Andrews questioned if Police Vehicle Purchase Fund could be used. Town Administrator Breene advised that the van could not be purchased with Police Vehicle Purchase Fund.

Chief Ramsay stated the ACO is a very active position and ACO Tavares is excellent and the Town is lucky to have her.

Councilman Mulcahey moved to authorize the Police Chief purchase a replacement Animal Control Van. Councilman Andrews seconded.

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

4. DISCUSSION AND VOTE ON RESCHEDULING OCTOBER 9, 2013 MEETING

**5. DISCUSSION AND VOTE ON RESCHEDULING NOVEMBER 13, 2013 MEETING
(These items were combined)**

Discussion ensued on scheduling conflicts with the Town Solicitor and Acting Town Clerk for October and November.

Councilman Mulcahey moved to reschedule the October Town Council Meeting to October 16th at 7:00 p.m. and to reschedule the November Town Council Meeting to November 6th at 7:00 p.m.

Councilman Coutcher seconded.

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

6. DISCUSSION AND VOTE ON TAX TREATY WITH CENTREX

Town Solicitor Ursillo advised on the legislation regarding a tax treaty and requested the Council authorize him to draft an ordinance for first reading.

Town Administrator Breene discussed the history of Centrex and the tax treaty.

Discussion ensued on what municipalities authorize tax treaties, future obligations and use.

Council Vice President Woloohojian moved to authorize the Town Solicitor draft a tax treaty ordinance to be brought forth at the October 16, 2013 meeting for first reading. Councilman Andrews seconded.

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

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G. PUBLIC FORUM

No comments were made.

H. EXECUTIVE SESSION

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

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

Council Vice President Woloohojian moved to close the meeting and to go into Executive Session at 7:50 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, Woloohojian - aye, Coutcher – aye, Andrews - aye, Mulcahey –aye

Council Vice President Woloohojian moved to come out of Executive Session and seal the minutes at 8:08 P.M. Councilman Coutcher seconded.

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

Council Vice President Woloohojian moved to adjourn 8:09P.M. Councilman Coutcher seconded.

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

ERIN F. LIESE, CMC

ACTING TOWN CLERK