

**TOWN OF WEST GREENWICH
TOWN COUNCIL**

REGULAR MEETING

April 11, 2012

A regular meeting of the West Greenwich Town Council was held on April 11, 2012. Present were Mark Tourgee, Susan Woloohojian, Robert Andrews, and Robert Smith. Also present were Town Administrator Kevin Breene and Town Solicitor Michael Ursillo.

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

The meeting was called to order at 7:05 p.m.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ANNOUNCEMENTS

Tourgee made the following announcements:

Dog Licenses may be obtained after April 1st in the Town Clerk's office. The fee is \$6.00 and proof of rabies vaccination is required. There will be a Rabies Clinic held on April 29th from 10 - 12 at the highway garage behind the Town Hall. The cost is \$10 per animal and cash only is accepted. There will be an Eco Depot held at WG Town Hall on Saturday, April 14th from 8 a.m. to 1 p.m. The WG Conservation Commission Annual Earth Day Clean Up is April 21st and they will be meeting at the 6A park & ride. The Presidential Preference Primary will be held on April 24th from 7:00 a.m. to 8:00 p.m. at the Town Hall. The EWG Sports 4 Kids Comedy Night is being held on April 28th. The Louttit Library and WG Land Trust Earth Day Event is April 29th from 12 to 4 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.

Woloohojian requested to abstain from the minutes

Andrews moved to approve the Consent Agenda except for the minutes. Smith seconded.

VOTED: Tourgee – aye, Woloohojian –aye, Andrews - aye, Smith - aye

Andrews moved to approve the minutes. Smith seconded.

VOTED: Tourgee – aye, Andrews - aye, Woloohojian –abstain, Smith - aye

I. MINUTES

1. APPROVAL OF MINUTES OF EXECUTIVE SESSION – FEBRUARY 8, 2012 (UNSEALED)
2. APPROVAL OF MINUTES OF MEETING OF MARCH 13, 2012

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3. APPROVAL OF MINUTES OF EXECUTIVE SESSION- MARCH 13, 2012 (SEALED)
4. APPROVAL OF MINUTES OF MEETING OF MARCH 27, 2012

II. REPORTS

THE FOLLOWING REPORTS ARE RECEIVED BY THE TOWN COUNCIL:

1. TOWN CLERK RECEIPTS – MARCH, 2012
2. PLANNING DEPT. MONTHLY REPORT – MARCH, 2012
3. TAX OFFICE MONTHLY REPORT – MARCH 2012
4. BUILDING OFFICIAL’S MONTHLY REPORT – MARCH, 2012
5. TREASURER'S REPORT - MARCH, 2012
6. POLICE DEPT. REPORT – MARCH, 2012

III. CORRESPONDENCE

THE FOLLOWING CORRESPONDENCE IS RECEIVED BY THE TOWN COUNCIL:

1. LAND TRUST - MINUTES OF JANUARY 10, 2012 MEETING
2. LAND TRUST - MINUTES OF FEBRUARY 14, 2012 MEETING
3. COPY OF LETTER TO: ALL MAYORS, CITY & TOWN MANAGERS
FROM: BETHANY L. MOURA, SENATOR DISTRICT 19
MARCH 8, 2012
RE: 2012-S 2371 & 2012-H 7746 FORECLOSURE DEED PENALTY
4. COPY OF LETTER TO: MS. JANET E. OLSSON
FROM: VALERIE MOONEY, BROWN UNIVERSITY
MARCH 15, 2012
RE: JUDGE ELMER J. RATHBUN SCHOLARSHIP
5. COPY OF MEMO TO: THE HONORABLE TOWN COUNCIL
FROM: KEVIN BREENE, TOWN ADMINISTRATOR
MARCH 19, 2012
RE: SALVAGE POLICE CARS

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6. COPY OF MEMO TO: COLLEEN DERJUE, TOWN TREASURER
FROM: KEVIN BREENE, TOWN ADMINISTRATOR
MARCH 22, 2012
RE: ZONING BOARD CLERK

7. COPY OF LETTER TO: DR. THOMAS J. GEISMAR, SUPERINTENDENT OF SCHOOLS
FROM: KEVIN A. BREENE, WEST GREENWICH TOWN COUNCIL
MARCH 26, 2012
RE: THANK YOU

8. COPY OF LETTER TO: HONORABLE FRANCIS T. MAHER, JR.
FROM: KEVIN A. BREENE, TOWN ADMINISTRATOR
MARCH 26, 2012
RE: REVISION OF PRECINCTS IN WEST GREENWICH

9. COPY OF LETTER TO: HONORABLE FRANCIS T. MAHER, JR.
FROM: KEVIN A. BREENE, TOWN ADMINISTRATOR
MARCH 27, 2012
RE: TAX AGREEMENT LEGISLATION

10. COPY OF LETTER TO: KEVIN A. BREENE, TOWN ADMINISTRATOR
FROM: SBA NETWORK SERVICES, INC
MARCH 27, 2012
RE: EXTRAORDINARY SERVICE PROVIDED BY DAVID TACEY, BUILDING OFFICIAL

11. COPY OF LETTER TO: MR. KENNETH BURKE
FROM: CHIEF CLAUDE TYLER III
MARCH 30, 2012
RE: BOULDER PLACEMENT

12. INVITATION TO: SPORT 4 KIDS COMEDY NIGHT
FROM: SHARON PELSER, PRESIDENT EWG KIDS INC
APRIL 28, 2012

13. COPY OF LETTER TO: MR. DAN BEARDSLEY, EXECUTIVE DIRECTOR
FROM: WAYNE R. PIMENTAL, RHODE ISLAND BUILDING OFFICIALS ASSOCIATION
APRIL 2, 2012
RE: BUILDING PERMIT FEE'S

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IV. ADDITIONS, ABATEMENTS, REBATES & UNCOLLECTABLES

1. REQUEST OF TAX ASSESSOR/TAX COLLECTOR FOR SPECIFIC UNCOLLECTABLES AND VOTE REGARDING SAME – MARCH 30, 2012

ACCT #	NAME	AMOUNT	CODE
<u>Abatements 2011 -2012</u>			
13-0502-98	MUNOZ VIRGINIA L	\$23.47	04
<u>Additions 2011-2012</u>			
13-0502-98	MUNOZ VIRGINIA L	\$227.21	04
<u>Refund 2011-2012</u>			
12-0246-50	LIMA GERVAIS L JR	\$26.63	02
<u>Back Year Abatements</u>			
20-0111-78	TAMEIRAO KELLY 2008	\$680.29	04

V. CHECK SUMMARY REPORT

1. RECEIPT OF CHECK SUMMARY REPORT FOR MONTH OF MARCH, 2012 FROM TOWN TREASURER

E. OLD BUSINESS

1. DISCUSSION AND VOTE ON RECOMMENDATION OF BOARD OF ENGINEERS - APPLICATION FOR EVENT PERMIT

Town Solicitor discussed the history of the Event Permit and recommends to the Council that no action is needed on this matter, for the state law provides for this currently.

Town Administrator discussed the need for better communication to the Fire Chiefs when an event is taking place.

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F. NEW BUSINESS

1. DISCUSSION AND VOTE ON PUBLIC HEARING- COMMUNITY DEVELOPMENT BLOCK GRANT

Geoffrey Marchant from the Community Development Consortium and for the Washington County CDC, Chris Hannifan from Community Housing Land Trust of RI, Linda Barden from Welcome House, and Regina DeAngelo from WARM were present in the audience.

Town Planner Jennifer Paquet noted that the Hearing was advertised in the March 27, 2012 edition of the Kent County Daily Times.

Paquet explained the following list of applications:

1. Housing Rehabilitation Program
2. Looking Upwards, Inc.
3. Westerly Area Rest Meals shelter Employment/Job Readiness Program
4. Westerly Area Rest Meals Emergency Shelter renovations
5. Welcome House of South County Operating
6. Welcome House of South County Generator
7. Education Exchange computers and software for GED testing
8. Community Housing Land Trust technical assistance
9. Washington County Community Development Corporation
10. West Greenwich Senior Affordable Housing

Tourgee questioned the placement for West Greenwich Senior Affordable housing. Paquet explained that there were no feasible projects.

Breene stated that SWAP is moving again.

Andrews questioned what the Affordable Housing Requirement was and if this was the same program. Town Solicitor explained that this is different from the Senior Housing and that Affordable Housing was mandated by state law.

Smith moved to approve the recommendation from the Planning Board. Andrews seconded.

VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

2. DISCUSSION AND VOTE ON PUBLIC HEARING –AMENDMENTS ORDINANCE NO. 67 - LAND TRUST

Tourgee explained the history of this ordinance.

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Town Solicitor explained the following changes:

Section 3. The Trust shall be administered by ~~nine (9) trustees,~~ seven (7) **full time trustees and two (2) alternate trustees, all** of whom shall be appointed by the town council with at least one (1) **full time trustee** being an active farmer **or active tree farmer**. The **full time** trustees who are first appointed shall be designated to serve for terms of one (1), two (2), three (3), four (4), five (5), six (6) and seven (7) years respectively. Thereafter **full time** trustees shall be appointed as aforesaid for a term of office of five (5) years respectively. Thereafter **full time** trustees shall be appointed as aforesaid for a term of office of five (5) years **and alternate trustees shall be appointed for a term of office of two (2) years,** except that all vacancies occurring during a term shall be filled for the unexpired term. ~~In addition to the seven (7) trustees appointed by the council, the current chairperson, or member designee, of the West Greenwich Conservation Commission and the West Greenwich Planning Board shall also be trustees.~~

Section 5. The trustees may adopt reasonable rules and regulations governing the conduct of Trust affairs, including the acquisition and management of its holdings not inconsistent with the provisions of this act. All rules and regulations of the Trust are subject to its holdings not inconsistent with the provisions of this act. All rules and regulations of the Trust are subject to the approval of the town council. Decisions of the trustees shall be by a majority vote of those present and voting, ~~and no business shall be transacted without five (5) members present,~~ expecting in decisions on the acquisition of land, easements, right-of-way and other uses referred to in Section 1 of this Trust, which must be by a majority vote of all trustees, i.e. at least 5 positive votes. The trustees shall keep accurate records of their meetings and actions and shall file an annual report which shall be printed in the annual town reporter. All meetings of the Trust shall be open to the public.

Helen Wilmot a former member of the Land Trust agreed with the changes.

Woloohojian moved to approve the amendments to Ordinance No. 67- Land Trust.

Smith seconded. VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

3. DISCUSSION AND VOTE ON EWG SCHOOL COMMITTEE RESOLUTION RE: CONTRACT CONTINUATION

Town Solicitor explained that when a contract expires, the current contract would remain in effect. He also stated that this is not what is taking place currently.

Smith questioned if this resolution has been heard before. Town Solicitor explained that action on this matter is taking place across the state.

Smith moved to endorse the Resolution of the School Committee on Contract Continuation. Woloohojian seconded. VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith – aye

4. DISCUSSION AND VOTE ON EWG SCHOOL COMMITTEE RESOLUTION RE: BINDING ARBITRATION

Town Solicitor explained that this resolution would allow the school committee to allow binding arbitration in negotiations.

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Town Administrator noted that every city and town is endorsing this resolution.

Smith questioned what the course of action would be if one opposed the contract. Town Solicitor explained the course of action.

Woloohojian moved to endorse the EWG School Committee Resolution on Binding Arbitration. Smith seconded.
VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

5. DISCUSSION AND VOTE ON EWG SCHOOL COMMITTEE RESOLUTION RE: LAYOFF NOTIFICATION

Town Solicitor explained the resolution and that the notification date would be moved to June 1st.

Woloohojian moved to endorse the EWG School Committee Resolution on Layoff Notification. Andrews seconded.
VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

6. DISCUSSION AND VOTE ON REAPPOINTMENT OF CONSERVATION COMMISSION- DAN NOVAK

Town Administrator stated that Dan Novak wished to remain on.

Woloohojian moved to reappoint Dan Novak to the Conservation Commission. Smith seconded.
VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

7. DISCUSSION AND ACTION ON APPOINTMENT OF ACTING TOWN CLERK- ERIN LIESE

Town Solicitor clarified why this item was placed on the agenda and the need to have a Acting Town Clerk in the absence of Janet Olsson.

Tourgee explained that he directed the Town Administrator to appoint Erin Liese as Acting Town Clerk during Janet's absence due to the legal need to have a person in that position and with Janet still out on leave that Erin continue in that position.

Smith questioned if there was a salary adjustment. Town Administrator stated yes there was an adjustment while Janet is out on Medical leave. Tourgee clarified that Janet is receiving TDI benefits so the cost to the town is minimal.

Smith moved to ratify the appointment of Erin Liese as Acting Town Clerk effective February 8, 2012. Andrews seconded. VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

8. DISCUSSION ON SCHOOL ENROLLMENT

Tax Assessor Charlene Randall updated the Council on the school district enrollment that the numbers and assuming the School Committee maintains the same amount of surplus the budget should increase \$118, 000.00 instead of \$145,000.

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Tourgee asked Randall to explain the results from the joint meeting with Exeter. Randall explained what the dates were on reporting the number of students enrolled and that the Town will now review the list prior to the state's deadline.

Tourgee clarified that the numbers were being used as of October 31, 2011 and that they were using that date to correct the errors.

Town Administrator explained the necessity of the correction and how it affects the budget.

Smith questioned what the protocol is for the future. Town Administrator explained that a plan is not final and updated the Council on the potential solutions.

Smith thanked Randall for her diligence in this matter.

9. DISCUSSION AND VOTE ON RESIGNATION- JOSEPH T. UNSWORTH, PLANNING BOARD

Tourgee read Mr. Unsworth's resignation letter.

Andrews moved to accept his resignation and send a letter thanking him for his service. Smith seconded.

VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith - aye

Tourgee requested the vacancy be placed on the website.

10. DISCUSSION AND VOTE ON RESOLUTION FROM GOVERNOR CHAFEE RE: MUNICIPAL REFORM

Tourgee explained the resolution and the changes that were made to the Governor's Resolution, and he directed the Town Administrator to make those changes so that it affects all the city & towns.

Town Administrator highlighted the changes that were made and noted that this item was not in the packet, because it arrived late.

Woloohojian moved to endorse the Resolution. Smith seconded.

VOTED: Tourgee – aye, Woloohojian – aye Andrews - aye, Smith – aye

G. PUBLIC FORUM

No public comment was made.

Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

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H. EXECUTIVE SESSION

Woloohojian moved to close the meeting and to go into Executive Session at 7:39 P.M. pursuant to RIGL 42-46-5, (A), 1 for Personnel- Janet Olsson and Personnel- Colleen Derjue. Town Solicitor Ursillo stated that both Janet Olsson and Colleen Derjue were provided with the required statutory notice that they were to be discussed in executive session. Also pursuant to RIGL 42-46-5, a, 2 for Collective Bargaining relative to West Greenwich Fire & Rescue Assoc. Local 4771, International Brotherhood of Police Officers Local 517 and Laborers International Union of North America, AFL-CIO Local Union 1322 Smith seconded.

VOTED: Tourgee – aye, Woloohojian – aye, Andrews - aye, Smith – aye

Woloohojian moved to come out of Executive Session and seal the minutes at 8:53 P.M. Smith seconded.

VOTED: Tourgee – aye, Woloohojian – aye, Andrews - aye, Smith – aye

Woloohojian moved to adjourn 8:54 P.M. Andrews seconded.

VOTED: Tourgee – aye, Woloohojian – aye, Andrews - aye, Smith - aye

**ERIN F. LIESE
ACTING TOWN CLERK**