

**TOWN OF WEST GREENWICH**  
**TOWN COUNCIL**  

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**REGULAR MEETING**  
**JANUARY 6, 2016**

A regular meeting of the West Greenwich Town Council was held on January 6, 2016. Present were Mark Tourgee, Susan Woloohojian, Thomas Mulcahey, Robert Andrews, and Linda Rekas Sloan. Also present Town Administrator Kevin Breene and Town Solicitor 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: Health Program Series at Louttit Library: Ten Warning Signs of Alzheimer's will be held February 2<sup>nd</sup> at 10:30 A.M. and Difficult Conversations will be held February 9<sup>th</sup> at 6:30 P.M. Additionally EWG Girl Scout Troup 963 is collecting blankets for the month of January and EWG Girl Scout Troop 423 is collecting cat care items during the month of February for the Pet Refuge. Donations can be dropped off at the library.

**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**

Council Vice President Woloohojian moved to approve the Consent Agenda.

Councilwoman Rekas Sloan seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey- aye, Rekas Sloan - aye

**I. MINUTES**

1. APPROVAL OF MINUTES OF MEETING OF DECEMBER 9, 2015
2. APPROVAL OF MINUTES OF EXECUTIVE SESSION- DECEMBER 9, 2015 (SEALED)

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

1. TOWN CLERK REPORT – DECEMBER, 2015
2. POLICE DEPT. REPORT – DECEMBER, 2015
3. BUILDING OFFICIAL REPORT – DECEMBER, 2015
4. TAX OFFICE MONTHLY REPORT – DECEMBER, 2015

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5. PLANNING DEPT. MONTHLY REPORT – DECEMBER, 2015

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

1. COPY OF EMAIL TO: KEN JONES  
FROM: ROBERT S. BUTLER  
DECEMBER 16, 2015  
RE: TOWN HALL FRONT ENTRANCE SAFETY UPGRADE
2. COPY OF EMAIL TO: ROBERT BUTLER  
FROM: KEN JONES  
DECEMBER 16, 2015  
RE: TOWN HALL FRONT ENTRANCE SAFETY UPGRADE
3. COPY OF MEMO TO: HONORABLE TOWN COUNCIL  
FROM: KEVIN A. BREENE, TOWN ADMINISTRATOR  
December 29, 2015  
RE: WOOD'S TAVERN

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

1. REQUEST OF TAX ASSESSOR/TAX COLLECTOR FOR SPECIFIC UNCOLLECTABLES  
AND VOTE REGARDING SAME – DECEMBER, 2015

**JANUARY**

<u><b>ACCT #</b></u>	<u><b>NAME</b></u>	<u><b>AMOUNT</b></u>	<u><b>CODE</b></u>
<u><b>ABATEMENTS</b></u>			
02-0225-12	BOOKBINDER, BRUCE A	3643.09	24
04-0186-12	DUSSAULT, GERARD D	4952.97	24
13-0112-42	MARQUIS, ASHLEY	3081.55	24
<u><b>ADDITIONS</b></u>			
02-0225-12	BOOKBINDER, BRUCE A	2721.57	24
04-0186-12	DUSSAULT, GERARD D	2846.89	24
13-0112-42	MARQUIS, ASHLEY	2893.17	24

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**V. CHECK SUMMARY REPORT**

1. RECEIPT OF CHECK SUMMARY REPORT FOR  
MONTH OF DECEMBER, 2015  
FROM TOWN TREASURER

**E. UNFINISHED BUSINESS**

**F. NEW BUSINESS**

**1. SWEARING IN CEREMONY FOR POLICE PERSONNEL- PROBATIONARY POLICE OFFICER-  
JAMES E. TIERNAN**

Council President Tourgee commented on the appointment of James Tiernan who came highly recommended.

Chief Ramsay discussed the career of James E. Tiernan.

Councilman Andrews moved to appoint James E. Tiernan to rank of Probationary Police Officer. Council Vice President Woloohojian seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey- aye, Rekas Sloan - aye

Town Solicitor Michael Ursillo sworn in James Tiernan to the rank of Probationary Police Officer.

Probationary Police Officer Tiernan was pinned by his Wife Helen and daughters: Shannon, Bridget and Megan.

Chief Ramsay commented on the West Greenwich Police Department.

A brief recess was taken.

**2. DISCUSSION AND VOTE ON RE-APPOINTMENT OF TREE WARDEN**

Town Administrator Breene advised that Tom Leavitt is currently the Tree Warden and this would be a reappointment.

Council Vice President Woloohojian moved to reappoint Tom Leavitt as Tree Warden.  
Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

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**3. DISCUSSION AND VOTE ON APPOINTMENT TO EWG SCHOOL DISTRICT BUILDING COMMITTEE**

Town Administrator Breene reviewed the members currently serving on the EWG School District Building Committee and stated there was still a vacancy. He further explained that Claudine Pande, School Committee Chair reached out to Gregory Coutcher former School Committee member and Councilman to see if he had interest in serving and he agreed.

Council Vice President Woloohojian moved to appoint Gregory Coutcher to the EWG District Building Committee. Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**4. DISCUSSION AND VOTE ON APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMISSION**

Town Administrator Breene reviewed the following members of the Economic Development Board: Council President Tourgee, John Howard, Robert Prenda, John Pignataro, Town Planner Paquet and Tax Assessor Randall.

Councilwoman Rekas Sloan moved to appoint the above named to the Economic Development Commission with terms expiring January, 2018. Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**5. DISCUSSION AND VOTE ON APPOINTMENTS TO THE LAND TRUST**

Council President Tourgee reviewed the Land Trust Board membership and the need for an Alternate to be defined.

Discussion ensued on board makeup.

Council President Tourgee suggested the Land Trust send a recommendation for the Alternate member.

Town Clerk Liese clarified the request of the Land Trust and read the following email from Steve Wright, Land Trust Trustee: Existing there are nine Land Trust Trustee board members. Seven are able to vote in meetings with two alternates available in case of absences. Robert Verrier is presently designated as one Alternate, Diana Rotelli is Chair, Stephen Salisbury is Vice Chair, Cindy Walsh is Secretary and Teri Cicero is our new Treasurer leaving us Kevin Konwicki, Robert Maguire, Anthony Tavares or myself to be the other Alternate. Considering that Anthony Tavares being our newest member and a student he may be the best candidate at this time for the Alternate. However that certainly is the Town Council's choice.

Town Clerk Liese further explained that Robert Maguire was appointed by the Council as the Farm/ Forest member so he could not be the Alternate.

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Councilman Mulcahey moved to appoint Anthony Tavares as Alternate Trustee to the Land Trust.  
Councilwoman Rekas Sloan seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**6. DISCUSSION AND VOTE ON ACCEPTANCE OF ROAD AND DRAINAGE INFRASTRUCTURE OF STONEBRIDGE LANE**

Council President Tourgee read the following memo from Public Works Director Wright: It has been over a year since the paving of Stonebridge Lane. I have observed the road for any problems pertaining to infrastructure and drainage. Having seen no issues, I recommend that the West Greenwich Town Council and West Greenwich Planning Board accept this road as a Town Road.

Council Vice President Woloohojian moved to accept the road and drainage infrastructure of Stonebridge Lane. Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**7. PUBLIC HEARING-DISCUSSION AND VOTE ON AN ORDINANCE IN AMENDMENT TO THE ZONING CODE REGARDING MARIJUANA**

Town Solicitor Ursillo stated due to advertising the Public Hearing on an Ordinance in Amendment to the Zoning Code regarding Marijuana would not be held tonight and commented on the need to hold the hearing in February with adequate legal notice.

Council Vice President Woloohojian moved to hold the Public Hearing for Amendment to Zoning Code regarding Marijuana to the February Town Council meeting.

Councilwoman Rekas Sloan seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**8. PUBLIC HEARING-DISCUSSION AND VOTE ON AN AMENDMENT TO ORDINANCE NO. 7 RELATING TO THE CONTROL OF SEWAGE AND GARBAGE DISPOSAL**

The following amendment to Ordinance No. 7 relating to the Control of Sewage and Garbage Disposal was reviewed:

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

Section 8.

No person shall engage in the business of collecting or picking up garbage and/or rubbish in the Town of West Greenwich without first obtaining a license for such purpose from the Town Council ~~of the Town of West Greenwich;~~ and the fee for every such license ~~is hereby set at two dollars (\$2.00) per year~~ shall be prescribed by the Town

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Council; and every such license shall ~~expire by limitation one year after the date of issue~~ be valid from December 1st through November 30th of the year in which it is issued

Section 9.

Every person or business licensed under the provisions of Section 8 of this Ordinance shall obey the following rules; viz.;

- a) Every vehicle used in the operations of collecting or picking up garbage and/or rubbish shall be equipped with a reasonable covering to keep the contents of such vehicle tightly covered; and every such vehicle when being used in said operations shall be kept in a reasonably sanitary condition and in good working order, and shall be used in said operations so that the contents shall not spill out on to any public highway, and shall not be offensive to persons on any public highway;
- b) Every vehicle used in said operations shall be made available for inspection by any police officer of the Town of West Greenwich or the Health Officer of the Town of West Greenwich at any time; and
- c) Every person or business licensed pursuant to Section 8 of this Ordinance shall provide the DPW Director with a written report by the tenth business day of each month; such report shall contain the gross weight of garbage and the gross weight of recyclables picked up within the Town of West Greenwich during the preceding calendar month.

\* \* \*

Town Solicitor Ursillo advised the implementation of this license would be next fall during the licensing period and also explained the license fees will be set at a later date for it was formally \$2.00 and discussed appropriate recycling fees.

Councilman Andrews questioned how we prevent vendors from dipping out of town. Town Administrator Breene advised that the commercial rate is one rate. However the Town gets a different rate and we want to get credit for our recyclables.

Discussion ensued on registration, rates and implementation.

Councilwoman Rekas Sloan moved to approve the Amendments to Ordinance No. 7 regarding the Control of Sewage and Garbage Disposal. Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Woloochojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

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9. **PUBLIC HEARING- DISCUSSION AND VOTE ON AN ORDINANCE NO. 97 RELATING TO DONATION BINS**

THE TOWN OF WEST GREENWICH  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
ORDINANCE NO. 97  
AN ORDINANCE RELATED TO DONATION BINS

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

Section 1. Requirements for Placement, Use of Clothing Bins. Notwithstanding any provisions to the contrary, no person shall place, use, or employ a donation bin, except in accordance with the requirements set forth herein. Donation bins may only be operated by charitable, religious, scientific, literary, and other organizations (hereinafter "organization") exempt pursuant to section 501(c)(3) of the Internal Revenue Code.

Section 2. The owner of the donation bin shall obtain a permit, valid for a period of one year from the date of issuance, from the Building Official. The application for such a permit must include:

- a. The location where the donation bin will be situated, as precisely as possible;
- b. The name and telephone number of the office of the owner or agent of the donation bin;
- c. Written consent from the property owner to place the donation bin on the property;
- d. The schedule of pick-ups to remove articles from the donation bin, which shall be no less than twice per month;
- e. The name and telephone number of the person to be contacted if the bin is overflowing prior to the date of pick-up; and
- f. A certification of tax exemption pursuant to section 501(c)(3) of the Internal Revenue Code.

Section 3. The Building Official shall not grant an application for a permit to place, use, or employ a donation bin if the Building Official determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but are not limited to, the placement of a donation bin within one hundred (100) yards of any place which stores or sells large amounts of fuel or other flammable liquids or gases.

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Section 4. The Town Council may impose fees that may be adjusted from time to time to offset the cost involved in administering and enforcing this section.

Section 5. An expiring permit for a donation bin may be renewed upon application to the Building Official.

Section 6. All donation bins permitted under this article shall be properly painted, free of defects, and maintained in such a manner to present a neat, clean appearance.

Section 7. Whenever the Building Official or their designee determines that an organization or individual is engaging in any act or practice in violation of this ordinance, the Building Official shall cause a notice of violation to be affixed to the donation bin and mailed to the office of the owner or agent of the donation bin.

Section 8. Should three notices of violation issue, pursuant to Section 7 of this ordinance, within a rolling period of one year, the permit shall be revoked, and the donation bin shall be removed by its owner within ten (10) business days.

Section 9. Upon notice of revocation of the permit, the permit holder may appeal the decision of the Building Official to the Zoning Board. Such appeal shall be filed within thirty (30) days of the date of revocation of the permit. The filing of an appeal shall stay the enforcement action of Section 8 of this ordinance until the appeal is heard and decided by the Zoning Board; however, the donation bin shall be emptied, sealed, and covered to render it inoperable during such period. Any loose material or items placed around the donation bin during the stay shall be removed within five (5) business days.

Section 10. Any donation bin within the Town that does not comply with the provisions of this Ordinance shall be deemed non-compliant. The owner of any property on which a non-compliant donation bin is located, along with any organization that operates a non-compliant donation bin, may each be fined up to \$500 per violation.

Section 11. Each day a violation exists constitutes a new violation.

This ordinance shall take effect upon its passage.

Council President Tourgee commented on reasons for this ordinance to prevent dumping, enforcement of maintenance and location of bins and safety issues.

Discussion ensued on locations in town with bins

Council President Tourgee stated not all donation bins are for charity.

Council Vice President Woloohojian recommended only charity bins be allowed.

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Council Vice President Woloohojian moved to approve Ordinance No. 97 relating to Donation Bins. Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**10. DISCUSSION AND VOTE ON DATE AND ALTERNATE DATE OF FINANCIAL TOWN MEETING**

Town Clerk Liese recommended the following dates for the Financial Town Meeting pursuant to the Town Charter: June 6, 2016 with an alternate of June 14, 2016.

Councilwoman Rekas Sloan moved to set June 6, 2016 as the date for the Financial Town Meeting with an alternate date of June 14, 2016. Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**11. DISCUSSION AND VOTE ON DATE FOR TOWN BUDGET HEARING**

Town Clerk Liese advised the Council on potential dates for the Town Budget Hearing pursuant to the Charter.

Councilman Mulcahey moved to set the Town Budget Hearing date for April 20, 2016.

Councilwoman Rekas Sloan seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**12. DISCUSSION AND VOTE ON CLAIM AGAINST THE TOWN- KAREN MEDEIROS**

**13. DISCUSSION AND VOTE ON CLAIM AGAINST THE TOWN- CAROL HEALY**

New Business items No. 12 and 13 were taken in conjunction.

Town Administrator Breene commented on the location of the pothole and work done by the Public Works Department.

Town Solicitor Ursillo explained regarding reimbursement of pothole claims and the need for the Town Council to develop an Ordinance on pothole claims to establish a policy.

Councilwoman Rekas Sloan moved to forward the claims of Karen Medeiros and Carol Healy to the Town Solicitors Office. Council Vice President Woloohojian seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

Councilwoman Rekas Sloan moved to direct the Town Solicitor draft an Ordinance on potholes for the Council's future consideration. Council Vice President Woloohojian seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

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**14. DISCUSSION AND VOTE REGARDING ONLINE LAND EVIDENCE RECORDS**

Councilwoman Rekas Sloan explained her request to have this item placed on the agenda. She stated many towns have this in place and this would be a step towards advancing the office and availability of records.

Town Clerk Liese discussed the following concerns about implementing online records: reductions in revenue, six years of images are currently available in West Greenwich, so that might cause frustration and protection of sensitive records such as death certificates. She further explained sensitive records can be redacted so that is no longer a concern; however the ability for screen shots will reduce revenue.

Discussion ensued on protection of records and cost.

Town Clerk Liese explained the proposal and the status of West Greenwich Land Evidence records.

Discussion ensued on proposal and implementation.

Councilwoman Rekas Sloan moved to approve the proposal from ACS to have West Greenwich Land Evidence records hosted online by US Land Records.

Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

**15. DISCUSSION AND VOTE ON POTENTIAL AMENDMENTS TO THE ZONING ORDINANCE  
AND ZONING MAP REGARDING THE EXIT 7 SPECIAL MANAGEMENT DISTRICT TO BE DRAFTED BY  
THE TOWN SOLICITOR**

Town Administrator Breene commented on the process of the implementation of Exit 7 Special Management District and status of receivership.

Town Solicitor Ursillo described the process of the amendment and stated it will take some time.

Town President Tourgee commented on the vacant store fronts and road work needed on Centre of New England Blvd. and it is not the town's responsibility for repair.

Discussion ensued on the intended use for the area.

Councilwoman Rekas Sloan moved to refer potential amendments to the Zoning Ordinance and Zoning Map regarding the Exit 7 Special Management District to the Town Solicitor.

Council Vice President Woloohojian seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey –aye, Rekas Sloan - aye

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**G. PUBLIC FORUM**

No public comment

Council Vice President Woloohojian moved to close the meeting to go into Executive Session at 7:47 P.M. pursuant to, RIGL 42-46-5, (A), 2 Litigation- Swap Inc. Vs. Town of West Greenwich Planning Board SHAB 2013-01. Councilwoman Rekas Sloan seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey- aye, Rekas Sloan - aye

**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**

Council Vice President Woloohojian moved to come out of Executive Session and seal the minutes at 8:17 P.M. Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey- aye, Rekas Sloan - aye

No action was taken.

Council Vice President Woloohojian moved to adjourn at 8:18 P.M.

Councilman Andrews seconded.

VOTED: Tourgee - aye, Woloohojian - aye, Andrews - aye, Mulcahey- aye, Rekas Sloan - aye

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