

TOWN OF WEST GREENWICH
TOWN COUNCIL

REGULAR MEETING
MARCH 9, 2016

A regular meeting of the West Greenwich Town Council was held on March 9, 2016. Present were Mark Tourgee, Linda Rekas Sloan, Robert Andrews, Mark Boyer and Thomas Mulcahey. Also present Town Administrator Kevin Breene.

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

Council President Tourgee called the meeting to order at 7:10 P.M.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. ANNOUNCEMENTS

Council President Tourgee made the following announcements: Land Trust Annual Turkey Dinner & Silent Auction will be held on Saturday, March 19th at WG Fire Co # 1 at 6:00 P.M. The cost is \$25 per person. Please note seating is limited and the dinner always sells out. Contact Steve Wright at 392-3628 to reserve your tickets or donate items for the auction. The following events will take place at Louttit Library: Spring Fair / Easter Egg Hunt will be held March 25th at 10:30; Fraud Watch – Are you at risk online? Will be held March 11th at 11 A.M.; Mountain Lions in our Midst will be held March 29th at 6:30 P.M.; Reducing Stress through Meditation will be held March 30th at 6 P.M. and Getting Started with Chicks will be held April 7th & 21st at 6 P.M. The EWG School District All Day Referendum will be held on April 11th voting at Town Hall 7 A.M. until 8 P.M. There will be a Rabies Clinic at Highway Garage behind Town Hall on April 24th from 10 A.M. to 12 P.M. The Presidential Preference Primary will be held on April 26th; voting will be at the community room behind Louttit Library. The polls are open from 7 A.M. until 8 P.M. The West Greenwich Police Department will begin accepting applications for employment as a probationary officer between March 10th and no later than April 7th by 12:30 P.M. Applications will be available at the police station and on the Town's website. Only hand delivered or first class mail submissions will be accepted.

Chief Ramsay further explained the application process. He advised we do not currently have an opening; however the academy only runs twice a year and there is a need to establish an active list to recruit from for future hires.

Town Administrator Breene discussed the recent hires regarding retired police officers.

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

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Council Vice President Rekas Sloan requested Correspondence items 11 and 13 to be pulled for further consideration.

Councilman Boyer noted for the record his abstention from the previous meeting minutes.

Council Vice President Rekas Sloan moved to approve the Consent Agenda with Correspondence items 11 and 13 pulled for further consideration. Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Rekas Sloan - aye, Andrews - aye, Boyer- abstain, Mulcahey - aye

I. MINUTES

1. APPROVAL OF MINUTES OF MEETING OF FEBRUARY 10, 2016
2. APPROVAL OF MINUTES OF EXECUTIVE SESSION- FEBRUARY 10, 2016 (SEALED)
3. APPROVAL OF MINUTES OF MEETING OF FEBRUARY 23, 2016

II. REPORTS

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

1. BUILDING OFFICIAL REPORT – FEBRUARY, 2016
2. POLICE DEPT. REPORT - FEBRUARY, 2016
3. TAX OFFICE MONTHLY REPORT - FEBRUARY, 2016
4. TOWN CLERK REPORT - FEBRUARY, 2016
5. PLANNER’S OFFICE MONTHLY REPORT- FEBRUARY, 2016

III. CORRESPONDENCE

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

1. LAND TRUST – MINUTES OF MEETING OF OCTOBER 13, 2015
2. LAND TRUST – MINUTES OF MEETING OF NOVEMBER 11, 2015
3. LAND TRUST – MINUTES OF MEETING DECEMBER 8, 2015
4. LAND TRUST – MINUTES OF MEETING JANUARY12, 2016

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5. CONSERVATION COMMISSION – MINUTES OF MEETING OF FEBRUARY 4, 2016
6. COPY OF PAYMENT TO: TOWN OF WEST GREENWICH
FROM: THE BEACON MUTUAL INSURANCE CO.
JANUARY 31, 2016
RE: WORKERS COMPENSATION EARNINGS DIVIDEND
7. COPY OF LETTER TO: ERIN LIESE, TOWN CLERK
FROM: DONALD HASSELTINE, BROWN UNIVERSITY
FEBRUARY 5, 2016
RE: JUDGE ELMER J. RATHBUN ENDOWED FUNDS FINANCIAL REPORT
8. COPY OF LETTER TO: LINDA SHERMAN
FROM: MICHAEL A. URSILLO, TOWN SOLICITOR
FEBRUARY 9, 2016
RE: RESPONSE TO COMPLAINT
9. COPY OF LETTER TO: HONORABLE GOVERNOR RAIMONDO
FROM: AMY ROSE WEINREICH, TOWN CLERK CHARLESTOWN
FEBRUARY 10, 2016
RE: RESOLUTION RELATIVE TO TRANSPORTATION CATEGORICAL AID TO
REGIONAL SCHOOL DISTRICTS
10. COPY OF LETTER TO: HONORABLE KEVIN A. BREENE, TOWN ADMINISTRATOR
FROM: MICHAEL A. URSILLO, TOWN SOLICITOR
FEBRUARY 15, 2016
RE: OUT OF OFFICE
12. COPY OF LETTER TO: HONORABLE TOWN COUNCIL
FROM: MAYOR JEANNE- MARIE NAPOLITANO
FEBRUARY 17, 2016
RE: INVITATION TO ST. PATRICKS DAY PARADE
14. COPY OF LETTER TO: HONORABLE SENATOR MCCAFFREY
FROM: TRACY A. NELSON, RITCCA SECRETARY
FEBRUARY 18, 2016
RE: EARLY VOTING S 2358

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15. COPY OF LETTER TO: HONORABLE GOVERNOR RAIMONDO
FROM: ELIZABETH J. COOK-MARTIN, HOPKINTON TOWN CLERK
FEBRUARY 18, 2016
RE: RESOLUTION RELATIVE TO TRANSPORTATION CATEGORICAL AID TO
REGIONAL SCHOOL DISTRICTS
16. COPY OF LETTER TO: COUNCIL PRESIDENT TOURGEE
FROM: SAV REBECCHI, DIRECTOR OF ON THE RECORD MEDIA, INC.
FEBRUARY 19, 2016
RE: RECORDING OF MEETINGS
17. COPY OF INVITATION TO: HONORABLE TOWN COUNCIL
FROM: HIANLOLAND VOLUNTEER FIRE COMPANY
RE: CORN BEEF APPRECIATION DINNER
18. COPY OF LETTER TO: KRISTEN PARENTEAU, PRESIDENT OF EWG SOCCER ASSOC.
FROM: ERIN F. LIESE, TOWN CLERK
FEBRUARY 25, 2016
RE: 275TH ANNIVERSARY REQUEST
19. COPY OF LETTER TO: ROBERT AND CHARLENE BUTLER
FROM: AL AND ANN KESSLER
FEBRUARY 25, 2016
RE: CEMETERY DONATION

V. CHECK SUMMARY REPORT

1. RECEIPT OF CHECK SUMMARY REPORT FOR
MONTH OF FEBRUARY, 2016
FROM TOWN TREASURER

The following was pulled from the Consent Agenda for consideration:

11. COPY OF LETTER TO: PETER GOURD, SMITH'S TRUCKING CO.
FROM: DONALD MARIANI, RECYCLING ASSOCIATES INC.
FEBRUARY 15, 2016
RE: CLOTHING RECYCLING

Council Vice President Rekas Sloan questioned if this letter reflects the recent ordinance regarding clothing bins.

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Town Administrator Breene explained the letter received and stated most containers have left Town due to the implementation of the new ordinance.

13. COPY OF LETTER TO: HONORABLE REPRESENTATIVE GIARRUSSO
FROM: STEVEN W. PRISTAWA, P.E., STATE TRAFFIC COMMISSION
FEBRUARY 17, 2016
RE: REQUEST FOR STUDY OF DIVISION ROAD AND NEW LONDON TURNPIKE

Council Vice President Rekas Sloan questioned the traffic study.

Town Administrator Breene explained the area where the traffic study was conducted and the potential hazard.

Councilman Andrews moved to approve Correspondence items 11 and 13 pulled for further consideration. Councilman Mulcahey seconded.

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

E. UNFINISHED BUSINESS

F. NEW BUSINESS

1. DISCUSSION AND VOTE ON ACCEPTANCE OF MARK BOYER RESIGNATION FROM THE PLANNING BOARD

Councilman Boyer recused.

Council President Tourgee explained the recent vacancy of Susan Woloohojian and that Mark Boyer has joined the Council and was sworn in at last month's Special Council meeting. He also explained Linda Rekas Sloan was appointed as Vice President.

Council Vice President Rekas Sloan moved to accept the resignation of Mark Boyer from the Planning Board. Councilman Mulcahey seconded.

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

2. PUBLIC HEARING

DISCUSSION AND VOTE ON REQUEST FOR ZONING ORDINANCE MAP AMENDMENT TO CHANGE THE ZONING DISTRICT FROM RURAL, FARMING, RESIDENTIAL 2 ACRE TO HIGHWAY BUSINESS AS SUBMITTED BY DUPUIS OIL FOR PROPERTY LOCATED ON PLAT 14, LOT 13 KNOWN AS 746 VICTORY HIGHWAY IN THE TOWN OF WEST GREENWICH

Councilman Boyer recused.

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NOTICE OF PUBLIC HEARING

Notice is hereby given that there will be held the following Public Hearing:

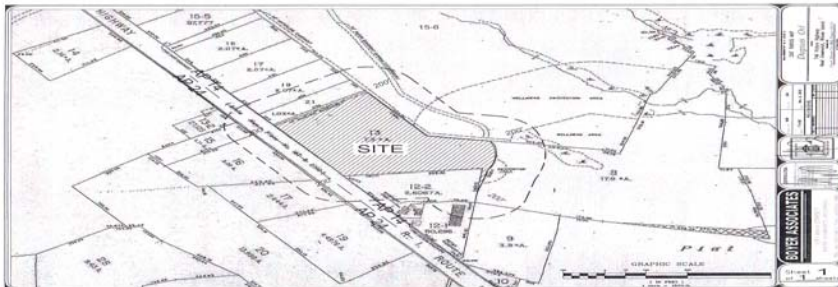
Zoning Ordinance Map amendment heard before the Town Council on Wednesday, March 9, 2016 at 7:00 P.M. The hearing is in regard to a certain request for Zoning Ordinance Map amendment, as shown below, to change the zoning district from "Rural, Farming, Residential 2 Acre" to "Highway Business", as submitted by Dupuis Oil Company for the property located on Plat 14, Lot 13 known as 746 Victory Highway, in the Town of West Greenwich, Rhode Island.

The hearing will be held at the West Greenwich Town Hall, 280 Victory Highway, West Greenwich, Rhode Island. Copies of the application may be examined at the Office of the Town Clerk, Town Hall, 280 Victory Highway, West Greenwich, Rhode Island.

The proposed amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. All such alterations or amendments will be presented for comment in the course of the public hearing.

All persons interested are invited to be present at said time and place to be heard thereon. The Town of West Greenwich will provide interpreter services for the hearing impaired provided a request is received by the Town Clerk's office at 392-3800 three (3) business days prior to said hearing date.

By order of the West Greenwich Town Council
Erin F. Liese, CMC
Town Clerk



Attorney Tomas Cronin introduced Mark Dupuis, applicant and Tim Behan, Engineer and explained the request to change the zoning designation from RFR-2 to Highway Business. He further explained the proposed use to have an established propane oil facility and service for the southern part of the state. They wish to keep the existing house and use as an office. This location will be for distribution. He explained they have applied to the Planning Board and the Conservation Commission and the recommendation was received from both boards and is consistent with the Comprehensive Plan. They

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also sat in front of the Zoning Board for a Special use permit which includes a specification of Town Council approval with an additional buffer and vegetation requirement. They also restricted the hours of operation from 7-5 weekdays and 7-1 Saturdays with only an emergency exception. He further explained the area surrounding is a Highway Business with the proposed safe guards this would be an appropriate use for the site.

Engineer Timothy Behan explained the aerial map and proposed plan. He further explained wells and the general site. He further explained the layout of the property where the tanks will be located.

Council President Tourgee questioned the tank site view and the safety protocols and stated the implementation of the tank will need to go with the rural character of the Town.

Council President Tourgee questioned landscaping. Engineer Behan stated landscaping will be implemented.

Councilman Mulcahey questioned the safety controls on filing trucks and questioned fire access.

Discussion ensued on safety of the site.

Town Planner Paquet advised that Fire Marshal Parkinson was ok with the conceptual plan; however there is still further review.

Council President Tourgee questioned the securing of the property.

Discussion ensued on safety of the site.

Discussion ensued on trucks and parking.

Council President Tourgee requested the landscaping be neat and to not clear cut the property. Applicant stated they would like to keep many trees.

Councilman Mulcahey questioned lighting. Mr. Dupuis stated they would meet all the criteria according to code.

Raymond Mann abutting landowner stated he met with Mr. Dupuis and discussed concerns; however questioned if the propane tanks have to be white. Mr. Dupuis stated the tanks need to be a light color.

Discussion ensued on the color of the building. It was noted the building would be a green color.

Town Administrator Breene commented on the area and the transition to Highway Business.

Justin Vail, abutter questioned if this would affect the zoning of 740 Victory Highway.

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Discussion ensued on zoning on the surrounding properties with regard to future value.

Attorney Cronin explained the additional buffer requested by the Zoning Board and agreed they would not eliminate the buffer. However DEM could require additional monitoring wells.

Discussion ensued on buffer.

Discussion ensued on value of highway business zoning.

Town Planner Paquet explained the Zoning Regulations and Land Development and Subdivision Regulations regarding land buffer.

Council Vice President Rekas Sloan moved to approve an amendment to the Town of West Greenwich Zoning Map designation of Plat 14, Lot 13 from "RFR-2" to "Highway Business". The parcel is located at 746 Victory Highway and is approximately 7.3 acres.

The Town Council's decision to approve the Zoning Map amendment is based on the following Findings of Fact:

Findings of Fact

1. The subject property is presently zoned RFR-2 and is the site of a single-family home.
2. The subject property is immediately adjacent to Plat 14, Lot 12-2, which is zoned Highway Business. Additionally, parcels located directly across Victory Highway are zoned Highway Business.
3. The Applicant proposes to install and operate a propane gas distribution and fuel oil distribution center along with an office in the existing single-family home.
4. The proposed use is classified as Use Code 152, 'Petroleum Bulk Stations' and is permitted by special use permit in the Highway Business Zone.
5. On February 8, 2016, the Planning Board voted to recommend approval of the proposed Zoning Map amendment.
6. On February 16, 2016, the Zoning Board granted the Applicant a special use permit for the proposed use, conditioned upon the Town Council's subsequent approval of the proposed Zoning Map amendment.
7. The proposed Zoning Map amendment is consistent with the Comprehensive Plan, and specifically accords with the following Goals and Policies:
 - a. Land Use Element Goal G#6: To enhance, strengthen, and promote existing Highway Business districts.
 - b. Land Use Element Policy P.24: Encourage, through land use regulation, small-scale industrial and commercial development, subject to appropriate performance standards, which is in keeping with the rural character of the town and does not require infrastructure improvements and services not now available.

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- c. Economic Development Element Goal G#1: Promote preservation of the Town's rural character, while encouraging limited economic expansion designed to augment the concepts of self-sufficiency and self-reliance.
- 8. The proposed Zoning Map amendment is consistent with the Zoning Ordinance, which among other purposes is designed to provide for orderly growth and development within the Town.

Councilman Andrews seconded.

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

3. DISCUSSION AND VOTE ON APPOINTMENTS TO BOARD OF CANVASSERS

Town Administrator Breene reviewed the appointment to the Board of Canvassers.

Council Vice President Rekas Sloan moved to reappoint Lori Brown to the Board of Canvassers for a five year term. Councilman Mulcahey seconded.

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

4. DISCUSSION AND VOTE ON RENEWAL OF KENNEL LICENSES

Building Official Tacey and Police Chief Ramsay stated they have no issues with any of the kennel applicants.

Councilman Mulcahey moved to approve the renewal of kennel licenses for Sharick Collies, Jewelset Kennels and Mars Kennel subject to compliance with all local and state ordinances and statues relative to kennel license and payment of taxes. Councilman Boyer seconded.

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

5. DISCUSSION AND VOTE ON PROPOSED LEGISLATION REGARDING PRO RATA TAXES ON NEW CONSTRUCTION

Tax Assessor Randall explained the proposed legislation and previous bill regarding pro rata taxes on new construction. She further explained many municipalities have this in place.

Councilman Mulcahey moved to send a Resolution in support of Pro Rata Taxes Legislation to our Senators and Representatives for introduction. Councilman Andrews seconded.

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

6. DISCUSSION AND VOTE ON APPOINTMENT TO THE EXETER WEST GREENWICH SCHOOL DISTRICT CHARTER COMMITTEE

Town Administrator Breene explained the make up of the committee and the need to review the Charter.

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Town Administrator Breene stated School Committee member, Lee Kissinger will serve and Charlene Randall, as Resident and a Council member would also need to serve.

Councilman Mulcahey stated he would serve.

Council Vice President Rekas Sloan moved to appoint Lee Kissinger, Charlene Randall, and Councilman Mulcahey to the Exeter- West Greenwich School District Charter Committee.

Councilman Andrews seconded.

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

PUBLIC FORUM

No public comment

Council Vice President Rekas Sloan moved to close the meeting to go into Executive Session at 7:57 P.M. pursuant to, RIGL 42-46-5, (A), 2 Litigation- Swap Inc. Vs. Town of West Greenwich Planning Board SHAB 2013-01 and pursuant to, RIGL 42-46-5, (A) Potential Litigation with Highway Auto Parts.

Councilman Mulcahey seconded.

VOTED: Tourgee - aye, Rekas Sloan - aye, Andrews - aye, Boyer –aye, Mulcahey - 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**
- 2. PURSUANT TO RIGL 42-46-5, (A), 2 POTENTIAL LITIGATION- HIGHWAY AUTO PARTS**

Council Vice President Rekas Sloan moved to come out of Executive Session and seal the minutes at 8:35 P.M. Councilman Boyer seconded.

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

No action was taken.

Council Vice President Rekas Sloan moved to adjourn at 8:36 P.M.

Councilman Boyer seconded.

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

ERIN F. LIESE, CMC
TOWN CLERK