

## 1. 7:40 P.M. CALL TO ORDER

Present: President Comolli, Vice Pres. Schwer  
 Councilors Avedesian, Douglas, Richmond, DiMaio  
 T. Mgr. Nolan, T. Sol. Payne  
 Co. Clk. Pro Tem LeBlanc, T. Sgt. Abate

Absent: Councilor Silvestri  
 Co. Clk. Giordano

INVOCATION – Councilor Schwer

SALUTE TO THE FLAG – Council President Comolli

## 2. RECOGNITIONS, AWARDS &amp; MEMORIALS

NONE

## 3. CONSENT CALENDAR

a. Approval of Minutes

Committee of the Whole – 9/8/00

Motion by Mrs. Douglas, Seconded by Ms. Richmond, that the aforesaid minutes be accepted and approved as printed. (So Voted 6 to 0 – Councilor Silvestri absent)

b. Fiscal Matters

Motion by Mrs. DiMaio, Seconded by Mrs. Douglas, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

Resolution Authorizing The Waiver of Penalty For Late Payment Of Taxes

WHEREAS, in accordance with Section 6 of the FY 1999-2000 Budget adopted on March 24, 1999 and unchanged by the May 20, 1999 referendum, the following taxpayers have requested a waiver for the late payment of taxes:

Interest						
Abatement only:	Account	Plat	Lot	Town	Sewer	Year
Grappone, Michael	07-1927-00	142	010	12.70	-	2000
30 Willard Street	07-1927-10	142	066	<u>6.23</u>		2000
Westerly, RI 02891				<u>18.93</u>		

<b>Abatement &amp; Refund:</b>	<b>Account</b>	<b>Plat</b>	<b>Lot</b>	<b>Town</b>	<b>Sewer</b>	<b>Year</b>

WHEREAS, the Tax Collector has verified the taxpayer has not been late within the past (5) years; and

WHEREAS, the Tax Collector has determined that the taxpayers are entitled to a waiver and/or refund for penalty incurred for late payment of taxes.

THEREFORE BE IT RESOLVED:

That the Tax Collector be authorized to waive the penalty for late taxes as provided by the Tax Resolution and the Finance Director is authorized to refund penalties where applicable.

Motion by Mrs. Douglas, Seconded by Mrs. Schwer, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

Resolution For Tax Refund

WHEREAS, the following taxes were paid in error and tax refunds are due; and

WHEREAS, the Tax Collector concurs that tax refunds as due.

<b>Name:</b>	<b>Account</b>	<b>Plat</b>	<b>Lot</b>	<b>Town Tax</b>	<b>Tax Year</b>
Fleet Mortgage Group Attn: Tax Dept. SC/FL/2621 PO Box 100563 Florence, SC 29501-0563	16-1853-91	033	077	492.46	1997
Westerly Commercial Assoc. PO Box 4054 Farmington, CT 06034	27-9245-50	P/P Sewer		18.62 <u>.54</u> 19.16	2000

THEREFORE BE IT RESOLVED:

That the Finance Director be authorized to refund the above amounts as overpayment of taxes.

4. CITIZENS COMMENTS

NONE

5. PUBLIC HEARINGS (Adv. on 10/2, 10/9, & 10/16/00 for this time)

- a. Proposed Ordinance – “An Ordinance Amending The Compensation Plan For Town Officers And Employees For Fiscal Year 2000-2001” (Purchasing Assistant and Information System Assistant)

President Comolli read aloud the aforesaid proposed ordinance.

No one appeared in favor or in opposition.

Councilor DiMaio, for the record, stated that this Town has grown by leaps and bounds over the last five years and it is time to have a purchasing assistant and information system assistant in order to keep up with the times and save money. She stated that even though it will cost to have two new positions, the Town will save money in the long run. She stated that, with the knowledge she has now, she can justify the requested positions.

Motion by Mrs. Avedesian, Seconded by Mrs. Schwer, that the hearing be closed and the following ordinance be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

TOWN OF WESTERLY

CHAPTER 1326

“AN ORDINANCE AMENDING THE COMPENSATION PLAN FOR TOWN OFFICERS AND EMPLOYEES FOR FISCAL YEAR 2000-2001”

The Town of Westerly hereby ordains:

Section 1. Town of Westerly Code of Ordinances, Section 2 of Chapter 896 entitled, “The Compensation Plan for Officers and Employees of the Town established for Fiscal Year 2000-2001” is hereby amended to add the following positions:

DEPARTMENTAL FUNDING

ADMINISTRATIVE	SALARY	GENERAL	WATER	SEWER
PURCHASING ASSISTANT	\$29,900.00	\$17,940.00	\$8,970.00	\$2,990.00
INFORMATION SYSTEM ASSISTANT	\$35,000.00	\$21,000.00	\$10,500.00	\$3,500.00

Section 2. This ordinance shall take effect upon passage.

- b. Proposed Ordinance – “An Ordinance In Amendment Of Chapter 1308 Of The General Ordinances Of The Town Of Westerly Entitled ‘An Ordinance In Amendment Of Article IV ‘Personnel Regulations’ Of Chapter 2 Of The Westerly Code Of

Ordinances Entitled 'Administration'" (Purchasing Assistant and Information System Assistant)

No one appeared in favor or in opposition.

Motion by Mrs. Schwer, Seconded by Mrs. Avedesian, that the hearing be closed and the following ordinance be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

TOWN OF WESTERLY

CHAPTER 1327

"AN ORDINANCE IN AMENDMENT OF CHAPTER 1308 OF THE GENERAL ORDINANCES OF THE TOWN OF WESTERLY ENTITLED 'AN ORDINANCE IN AMENDMENT OF ARTICLE IV 'PERSONNEL REGULATIONS' OF CHAPTER 2 OF THE WESTERLY CODE OF ORDINANCES ENTITLED 'ADMINISTRATION'"

The Town of Westerly hereby ordains:

Section 1. Section 2-139 of the Administration Ordinances of the Town of Westerly entitled "Classified and exempt services" is hereby amended by adding thereto the following:

Sec. 2-139. Classified and exempt services.

(a) All offices and positions of the town are divided into the classified service and the exempt service.

(b) Same.

(c) Same.

(d) Each approved position in the classified service is hereby assigned:

*Personnel Classification Plan*

*Positions included*

\* \* \* \* \*

Purchasing Assistant  
Information System Assistant

\* \* \* \* \*

Section 2. This Ordinance shall take effect January 1, 2001.

- c. Proposed Ordinance – "An Ordinance Transferring \$100,000.00 To The School Department's Capital Improvement Account For The Purchase Of Computers"

Councilor DiMaio recused herself due to a possible conflict of interest being that the matter involved the School Department and pursuant to a ruling by the Ethics Commission regarding the rental of property to the School Department.

No one appeared in favor.

The following individual was present and spoke in opposition to the proposed ordinance: Thomas L. Toscano, Jr., 75 Pleasant St – re: Opposes the transfer of funds at this time of the year; should be done during the budget process

7:50 P.M. Councilor DiMaio left the Council Chambers.

7:51 P.M. Councilor DiMaio returned to the Council Chambers.

Motion by Mrs. Avedesian, Seconded by Mrs. Schwer, that the hearing be closed and the following ordinance be adopted: (So Voted 4 to 1 – Councilor Douglas dissented; Councilor DiMaio recused; Councilor Silvestri absent)

## TOWN OF WESTERLY

### CHAPTER 1328

#### “AN ORDINANCE TRANSFERRING \$100,000.00 TO THE SCHOOL DEPARTMENT’S CAPITAL IMPROVEMENT ACCOUNT FOR THE PURCHASE OF COMPUTERS”

The Town of Westerly hereby ordains:

Section 1. The Town Council on October 2, 2000 authorized the purchase of 116 computers for the Westerly School Department. The estimated cost of \$100,000.00 shall be transferred from the General Fund Surplus for Fiscal Year 1999-2000 to the Capital Improvement Department. The Town Manager certifies that funds from the above Fiscal Year are available in excess of that anticipated in General Fund.

Section 2. That Council authorizes the expenditure of \$100,000.00 for the purchase of computers be transferred from the 1999-2000 General Fund surplus to the School Department’s Capital Improvement account.

Section 3. The bid specifications must be approved, prior to advertising, by the Town’s Information Systems Manager.

Section 4. This ordinance shall take effect upon its passage.

- d. Petition of Newbury Development Company To Amend Section 11.4 “Multi-Family, Four Or More Units” Of The Westerly, Rhode Island Zoning Ordinance Of 1998 Together With A Proposed Ordinance entitled “An Ordinance In Amendment Of Chapter 1242 Of The General Ordinances Entitled ‘An Ordinance Entitled “Westerly, Rhode Island Zoning Ordinance Of 1998,”” As Further Amended By Chapter 1300, Adopted May 15, 2000”

8:00 P.M. Town Solicitor Payne left the Council Chambers and Assistant Town Solicitor Mark Trovato assumed his chair.

Present: Robert Liguori, Esq., Adler, Pollack and Sheehan, Providence, RI, representing  
Newbury Development Company  
Frank DiMella, DiMella, Shafer Architects  
James Leavey, President of Newbury Development Company  
Raymond Cherenzia, Cherenzia and Associates, Ltd.

Recommendation from the Planning Board filed 10/18/00 for approval with conditions

Jane M. Gingerella of Allied Court Reporters, Inc., Cranston, RI, was duly sworn by Councilor Clerk Pro Tem LeBlanc to take testimony.

Attorney Liguori explained that the Lathrop property, which consists of approximately 174 acres and contains some wetlands, runs between Shore Road and Tom Harvey Road and from Seaglen to the extension of Tom Harvey Road. He stated that the petitioner has appeared before the Council on a pre-application meeting and noted that the Planning and Zoning Boards were also present. He stated that the process began on July 7, 2000 when the petitioner met with the Town's administrative staff to describe the intent for the development of the property; that a meeting with neighboring property owners was also held; and that the petition went before the Planning Board for approval. He explained that the petitioner agreed to suggested modifications by the Planning Board, and with those modifications, the Planning Board has made a favorable recommendation to the Council. Attorney Liguori explained that the Lathrop property is one of the properties listed in Appendix G in the Zoning Ordinance and that those particular properties are not zoned to allow for assisted living/congregate housing such as the proposed development. He explained that the project consists of three separate sections to include assisted living, congregate housing units and sixty villas and that the entire project is designed to be a restricted community for seniors. He stated that Appendix G parcels are all fifty acres or greater exclusive of wetlands and are the last large parcels in this community. Attorney Liguori believed that these parcels should be developed in a special way and explained that this proposal has tried to use some cluster techniques to keep it as a residential project and to allow for the balance of the property to remain in conservation. He presented a map showing the layout of the area and explained that the zoning density requirements for the units are 98 acres; that the entire parcel is 174 acres, but of the 98 acres for which the petitioner is seeking approval, only 34 acres would be used; and that the remaining balance of 140 acres would be conveyed to the Westerly Land Trust and would be subject to a permanent conservation easement. He explained that the text amendments to Section 11.4 of the Zoning Ordinance would apply to all Appendix G properties and he distributed the Planning Board's recommendations. He stated that, if the proposed ordinance is adopted this evening, the next step in the process would be to apply to the Zoning Board for a Special Use Permit, at which time it would be referred to the Planning Board, and that these steps would require extensive detail to buffers and lighting, etc. He responded to concerns regarding the increase for maximum height allowance to 42 feet for assisted living/congregate housing structures, which cannot exceed three stories. He explained that the 42 feet is required for architectural purposes and style.

Councilor DiMaio stated, for the record, that people have contacted her concerning the 42-foot maximum height allowance and are afraid of additional development in the beach area because of the existing infrastructure.

Mr. DiMella responded to questions and concerns expressed by the Council concerning building height and access to the facility. He presented a rendering of the three-story units and addressed the need for the 42-foot height of the units, which is required for architectural purposes. He explained that a two-story building could be built within the present 35-foot height requirement, but that this would result in a longer building, requiring individuals to walk a greater distance and, thereby, negating the basis of the project. Responding to questions regarding access to the project, Mr. DiMella explained that the plan calls for one entrance from Shore Road, which would lead into all three cluster zones on the property. He further explained that, in addition to that entrance, there will be an emergency only connection out to Lancaster Road, which is a paper road.

Attorney Liguori responded to questions concerning the construction phases of the project and sewerage. He explained that there is an expansion area of the assisted living/congregate housing which consists of 56 units and that these units would definitely be built sometime in the future. He explained that a statutory moratorium on nursing home beds currently exists in Rhode Island, but Newbury Development wants the opportunity, in the event that the moratorium is modified or removed, to have nursing homes beds included as part of the facility, because the intent is to provide continual care for residents of the facility. He reported that it is also likely that the villas will be phased in and that the assisted living/congregate housing would be built first. Attorney Liguori addressed a map showing the current sewer district boundary, which includes all of Tom Harvey Road, Seaglen Subdivision and all of the Misquamicut Fire District, and that it extends 500 feet into the property off of Shore Road.

Mr. Leavey stated that the first phase of construction would begin with the assisted living/congregate housing units and he expects that it would take a minimum of fifteen months to build. He stated that, simultaneously, a model quad of four villas would be constructed with some number of advanced basements in anticipation of future sales and would continue as sales occur. He hopes that the project will be built within two to three years.

Councilor DiMaio, for the record, stated that, if the Council voted to approve the sewer expansion in phases, the developer would know that the first year there would be a certain amount of acreage for sewers and a certain amount the second year and so on.

Attorney Liguori addressed the proposed text amendments to Section 11.4. He explained that Section 11.4(B) would permit assisted living/congregate housing units by Special Use Permit for Appendix G properties; that Section 11.4(B)(2) would provide for rehabilitative facilities build in conjunction with assisted living/congregate housing complexes and also provides for nursing beds to a maximum of twenty percent; that Section 11.4(B)(6) would allow a maximum height for assisted living/congregate housing structures to be 42 feet, but not to exceed three stories; that Section 11.4(B)(7)(b) would allow assisted living/congregate housing complexes to

include single bedroom units and may include more than six units per structure; that Section 11.4(B)(9)(d) would require one parking space for each bed and one parking space for each staff member of employee; and that Section 11.4(B)(12) would allow for the area not proposed for actual construction and parking to be conveyed to non-profit land conservation organization subject to a conservation or development easement restriction and would provide for an Open Space Management Plan submitted for all of the open space for approval by the Planning Board. He distributed a report, which was submitted to the Planning Board with respect to the soil suitability and Wastewater Treatment Plant analysis. Attorney Liguori explained that there is approximately 20 acres between facilities and that the project is designed to use the natural topography of the site. He stated that the developers, architects and land planners want to disturb as little of the site as possible. He explained that the entire site is a glacier moraine and that the Westerly Land Trust wanted to purchase the entire property but could not afford it. He stated that Newbury Development Company and the Westerly Land Trust came together on the project and both want to do as little construction on this site as possible. He stated that it will not be a gated community and that the undeveloped land will have trails for everyone's use. He noted that the Town Planner and the Planning Board will require a parking area by the Westerly Land Trust.

The following individual was present and spoke in favor of the proposed ordinance: Patricia T. Grande, 212 Shore Road, Bed & Breakfast owner

The following individuals were present and spoke in opposition to the proposed ordinance: John C. Revens, Jr., Esq., 946 Centerville Rd, Warwick, RI, representing the Maiorano Realty, Inc., owner of The Elms – re: Current zoning regulations and Comprehensive Plan does not provide for this type of zoning in this area; Samuel J. Montalto, 6 Seabury Dr – re: Concerns about the impact this development will have on traffic using Seaglen Subdivision as a throughway; addresses emergency only access on Lancaster Road; Sandra M. Niles, 2 Lakeside Dr, President of Westerly Airport Association – re: Area is located within aircraft traffic pattern area; Potential noise complaints from airplanes; Thomas L. Toscano, Jr., 75 Pleasant St – re: Piecemeal of zoning ordinance; opposed to changing zoning ordinance to satisfy an individual or individual group; addresses height restrictions; open space; Stephen A. Schneider, 1 Yarmouth Dr – re: Concerns with increased traffic through Seaglen Subdivision by delivery vehicles, staff or visitors

9:31 P.M. Councilor Schwer left the Council Chambers

9:33 P.M. Councilor Schwer returned to the Council Chambers.

Attorney Liguori responded to suggestions for the construction of an additional access road to Tom Harvey Road. He explained that the project is designed to be a community within itself and the developer was trying not to make it a thoroughfare and, if the road were extended to Tom Harvey Road, it would reduce contiguous open space. He stated that they are not in the position to guarantee the construction of an additional road and that there are costs of approximately \$300,000 to \$400,000 associated with the construction of an additional road which would impact the project substantially, but he stated that the developer will consider the request. He stated that the developers will guarantee that any contractors be prohibited from using Seaglen Subdivision as a throughway and that the through road, which connects to Tom Harvey Road, is not a public road and could be shutdown to prevent vehicular traffic.



Councilor Avedesian suggested that the developer be given time to review the safety issues and come back to the Council with a recommendation and, if needed, a special meeting could be scheduled.

Councilor DiMaio stated, for the record, that she has concerns about the proximity of the project to the airport. She stated that she would like the developer to research the rules and regulation of air space and report back to the Council.

Motion by Mrs. Schwer, Seconded by Mrs. Avedesian, that the hearing be closed and that the proposed ordinance be tabled to a Special Meeting on November 6, 2000 in order for the petitioner to address an access road to Tom Harvey Road and traffic concerns. (So Voted 5 to 1 – Councilor Douglas dissented; Councilor Silvestri absent)

Discussion was held regarding the date and time of the Special Meeting and recessing as opposed to closing the public hearing.

Motion by Mrs. Schwer, Seconded by Mrs. Avedesian, to rescind the aforesaid motion and second. (So Voted 6 to 0 – Councilor Silvestri absent)

Motion by Mrs. Schwer, Seconded by Mrs. Avedesian, to recess the public hearing to a Special Meeting on October 30, 2000 at 7:00 p.m. in order for the petitioner to address an access road to Tom Harvey Road and traffic concerns. (So Voted 5 to 1 – Councilor Douglas dissented; Councilor Silvestri absent)

President Comolli announced that Councilor Silvestri was absent due to illness.

- e. Petition of John C. Lathrop and Helen C. Lathrop, Trustee To Amend The Sewer District Boundary Together With A Proposed Ordinance Entitled “An Ordinance Amending The Sewer District Boundary” (Property located s/s of Tom Harvey Rd and n/s of Shore Road)

Present: Robert Liguori, Esq., Adler, Pollack and Sheehan, Providence, RI, representing John C. Lathrop and Helen C. Lathrop

Recommendation from the Planning Board filed 10/18/00 for approval with conditions

Jane M. Gingerella of Allied Court Reporters, Inc., Cranston, RI, was duly sworn by Councilor Clerk Pro Tem LeBlanc to take testimony.

Attorney Liguori addressed a map showing the existing sewer district boundary, noting that it currently extends 500 feet into the property from Shore Road. He stated that the Town Council has the authority through the Comprehensive Plan to expand the sewer district boundary and that a letter addressing this issue was forwarded to the Town Solicitor. He addressed the preliminary analysis.

President Comolli requested that he be provided with a copy of the letter sent to Town Solicitor Payne.

Discussion was held concerning the priority list for sewer expansion and when the Misquamicut area was included in the sewer district.

President Comolli directed Council Clerk Pro Tem LeBlanc to provide the Council with information as to when the Misquamicut area was included in the sewer district.

No one appeared in favor.

The following individual was present and spoke in opposition to the proposed ordinance: John C. Revens, Jr., Esq., 946 Centerville Rd, Warwick, RI, representing the Maiorano Realty, Inc., owner of The Elms – re: Opposes expansion to the sewer district for reasons stated earlier

Motion by Mrs. Avedesian, Seconded by Mrs. Schwer, that the hearing be closed. (So Voted 6 to 0 – Councilor Silvestri absent)

President Comolli directed that decision be reserved and the ordinance be referred to the October 30, 2000 Special Meeting for consideration.

10:36 P.M. RECESS

10:47 P.M. RECONVENED

## 6. UNFINISHED BUSINESS

NONE

## 7. NEW BUSINESS

- a. Resolution Directing The Town Clerk To Hold A Special Referendum For Bond Authority To Construct Sewers In The Misquamicut Area

Town Manager Nolan was directed to schedule informational hearings for the public.

Councilor Douglas suggested that the borrowing amount be rounded up to \$8 million.

Motion by Mrs. Schwer, Seconded by Mrs. DiMaio, that the resolution be adopted amending the borrowing amount to \$8 million. (So Voted 6 to 0 – Councilor Silvestri absent)

WHEREAS, it is our priority to improve the quality of life by restoring, preserving and protecting our coastal natural resources; and

WHEREAS, it is our priority to protect the public health by eliminating any and all health threatening sources; and

WHEREAS, the Rhode Department of Environmental Management has determined that effluent from existing septic systems at the Misquamicut area is one of the major sources of pollutants to our coastal water bodies and a source of potential health hazards; and

WHEREAS, the Misquamicut area is within the boundary limits of the Town of Westerly Sewer District, as amended on 1993; and

WHEREAS, the Misquamicut area is identified as one of the areas recommended to be sewered on the Town of Westerly Wastewater Facilities Plan, December 1999, adopted by the Westerly Town Council and approved by the Rhode Island Department of Environmental Management; and

WHEREAS, the Town of Westerly Wastewater Treatment Facilities have the capacity to handle the additional flows expected from the Misquamicut area; and

WHEREAS, the firm of James J. Geremia and Associates of Providence, RI, estimated the cost for the construction of sewers in the Misquamicut area at \$8,000,000.00; now therefore

BE IT RESOLVED: that The Town Council hereby directs the Town Clerk to hold a special referendum on December 19, 2000 seeking voter approval for \$8,000,000.00 to construct sewers at the Misquamicut area: and be it

FURTHER RESOLVED: That the Town Council of the Town of Westerly, Rhode Island authorizes that the question to be placed on the ballot for said referendum be submitted in substantially the following form:

“SHALL THE TOWN OF WESTERLY BORROW EIGHT MILLION DOLLARS (\$8,000,000.00) FOR THE PURPOSE OF FINANCING THE CONSTRUCTION AND EXTENSION OF SEWERS AND SEWAGE SYSTEM INTO THE MISQUAMICUT AREA IN THE TOWN OF WESTERLY?”

- b. [Resolution](#) of the Town of Westerly to Establish the Dates for Amnesty Day 2000

Motion by Mrs. DiMaio, Seconded by Mrs. Avedesian, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

WHEREAS, the Westerly Town Council has authorized Amnesty Days to be held at the Westerly Transfer Station Facility, and,

WHEREAS, the dates and time of these days are as follows: Friday, November 17, 7:30 AM – 5 PM, Saturday, November 18, 7:30 AM – 3:45 PM for 2 white goods, 4 pieces of furniture and 4 tires, and,

WHEREAS, the dates and times for construction, wood and brush disposal are as follows: Friday, December 1, 7:30 AM – 5 PM, and Saturday, December 2, 7:30 AM – 3:45 PM and,

WHEREAS, Amnesty Days are designated for Westerly residents and taxpayers only and commercial establishments are not permitted free disposal on these days, and

WHEREAS, a voucher system has been designed for these days to list the material for disposal, and said vouchers may be obtained at the Westerly Transfer Station Facility after October 11, 1999, now therefore be it hereby

RESOLVED: that the Town Manager direct the Department of Public Works to schedule the Amnesty Days for 2000 to be held on November 17, 18, and December 1 and 2, 2000 as described above.

c. Resolution For Payment (Thom Howard Animal Spay & Neuter Assistance Fund)

Motion by Mrs. DiMaio, Seconded by Mrs. Schwer, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

WHEREAS, the following services were provided and payment due; and

WHEREAS, the Chief of Police concurs that payment is due; and

WHEREAS, the Thom Howard Animal Spay & Neuter Assistance Fund (Account # 085808602950) was set up to provide a \$25.00 assistance to people adopting animals from the Westerly Animal Shelter; and

WHEREAS, on September 7<sup>th</sup>, 2000, Turco Animal Hospital neutered a CAT adopted from the Westerly Animal Shelter on August 27<sup>th</sup>, 2000 by Kathleen Oakes of 6 Hunter Terrace WESTERLY RI ; and

WHEREAS, as such, the amount of \$25.00 is due to Turco Animal Hospital of 3 Ashaway Rd, Westerly, RI 02891; and

WHEREAS, the proper form has been signed and authorized by the Westerly Animal Control, Chief of Police and Veterinarian performing the service; now therefore, be it hereby

RESOLVED: That the Finance Director be authorized to make payment of \$25.00 out of the Thom Howard Fund (Account # 08580858-502950) to Turco Animal Hospital of 3 Ashaway Rd, Westerly, RI 02891

d. Resolution Authorizing A Retirement Allowance For Members Of The Westerly Town Council

Councilor Douglas recused herself due to a possible conflict of interest being that the matter involved her.

Motion by Mrs. DiMaio, Seconded by Mrs. Schwer, that the following resolution be adopted and that the Town Solicitor be instructed to ensure that any Town Councilor is protected: (So Voted 5 to 0 – Councilor Douglas recused; Councilor Silvestri absent)

WHEREAS, an individual serving a minimum of ten (10) years of service as a Westerly Town Councilor shall be entitled to a retirement allowance; and

WHEREAS, such individual shall attain the age of 60, and not be otherwise entitled to the Rhode Island Municipal Employee's Retirement System; and

WHEREAS, such individual shall contribute six percent (6%) of said yearly salary to offset the partial cost of participation in this plan; and

WHEREAS, such individual shall be entitled to a service allowance of 50 percent (50%) of the salary received at the time of retirement; however, not less than a sum of \$200.00 for each year served; and

WHEREAS, if such individual retires after a service of greater than 10 years, they shall be entitled to receive an additional service retirement allowance equivalent to five percent (5%) of the salary received at the time of retirement for each whole year of service in excess of ten (10) years, now therefore be it hereby

RESOLVED: That the Finance Director is authorized to execute said retirement allowance to any qualified Westerly Town Council members.

- e. Resolution Placing A Moratorium On Acceptance Of Any New Liquor License Applications

Motion by Mrs. Avedesian, Seconded by Mrs. Schwer, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

WHEREAS, the Town Council, by Ordinance, will be establishing a freeze of liquor licenses on or before December 31, 2000; and

WHEREAS, pending the hearing on said Ordinance establishing the freeze, the Council is desirous of placing a moratorium on new applications for liquor licenses; now therefore, be it hereby

RESOLVED: That a moratorium is hereby established on all liquor licenses and the Town Clerk in her capacity as Clerk to the Licensing Board shall not accept any new applications for liquor licenses for a ninety (90) day period.

- f. Resolution Authorizing The Retention Of The Law Firm Of Edwards & Angell, LLC As Legal Counsel (Wastewater Treatment Plant Improvement Project)

Motion by Mrs. DiMaio, Seconded by Mrs. Schwer, that the following resolution be adopted: (So Voted 6 to 0 – Councilor Silvestri absent)

WHEREAS, the Town of Westerly is seeking to retain special counsel to advise it on the Wastewater Treatment Plant Improvement Project; and

WHEREAS, the scope of legal services required is as follows:

1. Specific legal advice and opinion concerning the validity of the bidding process engaged in by the Town to date concerning the Project;

2. Specific legal advise and representation of the Town's interests concerning the negotiation, drafting, review and execution of contracts for the Project, in particular the proposed design/building/service contract with BETA Engineering and Hart Engineering;
3. Specific advice concerning the structure of the transaction and its eligibility for appropriate low-interest financing;
4. Specific advice and representation of the Town with respect to compliance with the RIDEM Consent Agreement governing the Project; and
5. Any other matter concerning the Project for which services are requested.

WHEREAS, the law firm of Edwards & Angell, LLP has agreed to provide legal services to the Town for the Project and agrees to charge for services only on an hourly basis at a rate not to exceed \$250.00; now therefore, be it hereby

RESOLVED: That the Westerly Town Council authorizes the Town Manger to retain the services of the law firm of Edwards & Angell, LLP, 2800 BankBoston Plaza, Providence, RI 02903, as legal counsel at an hourly rate not to exceed \$250.00 and these funds will come from the Legal Services budget.

g. Resolution Authorizing Payment To The Law Firm Of Jones Associates

Councilor Douglas recused due to a possible conflict of interest being that the matter involved her.

Councilor DiMaio stated, for the record, that the resolution be adopted with the caveat that no further payment be made to the law firm past this invoice. She stated that a retirement allowance through the Town has been adopted and the Council's previous promise to supply an attorney is null and void except for this payment. She stated that the resolution is in the record and it is long overdue for Patricia Douglas.

Motion by Mrs. DiMaio, Seconded by Mrs. Avedesian, that the following resolution be adopted: (So Voted 5 to 0 – Councilor Douglas recused; Councilor Silvestri absent)

WHEREAS, Town Councilor Patricia A. Douglas retained the services of Lauren E. Jones, Esq., of Jones Associates in the matter of Patricia Douglas v. State Employees' Retirement Board Membership Appeal; and

WHEREAS, Lauren E. Jones, Esq., of Jones Associates, 72 South Main Street, Providence, RI 02903-2907 has submitted an invoice in the amount of \$3,000.00; and

WHEREAS, Section 2-71 of the Westerly Code of Ordinances entitled "Indemnity of Public Officials And Employees" allows the Town Council to reimburse public officials for reasonable attorney's fees; and

WHEREAS, funds to pay the invoice are contained in the approved current year budget for legal services; now therefore be it hereby

RESOLVED: That the Westerly Town Council authorizes the Acting Finance Director to pay Lauren E. Jones, Esq., of Jones Associates, 72 South Main Street, Providence, RI 02903-2907 in the amount of \$3,000.00.

## 8. COMMUNICATIONS & REPORTS

### a. Town Council – 10/23/00, 10/16/00

1. Item #1 10/23/2000 – re: From Mary Lou Serra re Westerly Substance Abuse Drug Walk on 10/29/2000 – Council Clerk Pro Tem LeBlanc announced that the Council is invited to participate in the Drug Walk and to speak at the ceremony.
2. Item #2 10/23/2000 – re: From Councilor DiMaio
  - a) From Rhode Island 2000 re Third Millennium Grants and Municipal Challenge Grants – Councilor DiMaio reported that the Town received a \$1,000 millennium grant from the State of Rhode Island.
  - b) Resolution for the Creation of the Washington County Regional Planning Commission – Councilor DiMaio reported that the aforesaid resolution will be discussed at the November 6, 2000 Workshop. She explained that the resolution formally appoints a liaison from each city and town to serve on the Committee.
  - c) From Helen Farrell Allen, Tempus Fugit re Samuel Ward – Councilor DiMaio requested that the aforesaid correspondence be accepted and placed on file.
  - d) Growth Management in Washington County – Pamphlet - Councilor DiMaio stated that the aforesaid pamphlet corresponds with the aforesaid resolution and requested that it be accepted and placed on file.
3. Item #9 10/23/00 – re: From RI Dept. of Municipal Affairs re City/Town Council Salary & Fringe Benefits Survey – Councilor DiMaio reported that she had requested that the Council receive the aforesaid survey. She requested that the survey be forwarded to the new Council so that they are made aware that they are entitled to a retirement and pension. She stated that the survey incorrectly indicates that the Town of Westerly does not have a pension and asked that the Dept. of Municipal Affairs be informed that the Town does have a pension.

Councilor Douglas asked the Town Manager to inform the employee, who informed the Dept. of Municipal Affairs that the Town Council is not entitled to a retirement and pension, that this information is wrong; that the Town Council is entitled to a retirement and pension.

4. Item #10 10/23/00 – re: From Bradford Village Improvement Assoc. re Community Transport – Responding to Councilor DiMaio, Town Manager Nolan stated that the aforesaid issue has been referred to the November 6, 2000 Workshop for discussion.

### b. Town Manager – 10/23/00, 10/16/00

### c. Town Solicitor –

### d. Town Clerk – 10/23/00

e. Committee of the Whole –

1. Town Manager's Salary and Benefits – President Comolli directed that a discussion of the Town Manager's salary and benefits be referred to a workshop scheduled for October 30, 2000 at 7:30 p.m.

f. Liaison Reports –

1. Appointments:

- a. Permanent Neighbor Day Committee – Members and directives

Councilor Richmond read aloud the following names to be appointed to the Permanent Neighbor Day Committee and the tasks assigned to the committee:

Town Council or acting Municipal Body  
Town Clerk Donna Giordano  
Deputy Town Clerk Mary LeBlanc  
Mary Jane DiMaio  
Rita Deane  
Betty Jane Fusco  
Margaret Turner  
Lorraine Simister  
Margaret Day  
Chalres McGrath  
Dan Lapointe  
Louis Gencarelli  
Ricky Entwistle  
Mary Jane Patricia DiMaio  
Emma Leinhaas  
Kathryn Taylor  
Shane Martins  
Kevin Turco  
Adam Comolli  
Alexandra N. Konicki  
Karen Cardone

Motion by Mrs. Douglas, Seconded by Mrs. Schwer, that the aforesaid individuals be appointed to the Permanent Neighbor Day Committee. (So Voted 5 to 0 – Councilor DiMaio abstained; Councilor Silvestri absent)

2. Resignation – William C. Lane, Conservation Commission

Motion by Mrs. DiMaio, Seconded by Mrs. Avedesian, that the aforesaid resignation be accepted with regret and that the Council Clerk be directed to send a letter to Mr. Lane. (So Voted 6 to 0 – Councilor Silvestri absent)

## 10. ADJOURNMENT



11:05 P.M. Voted Unanimously to adjourn.

ATTEST:

Mary L. LeBlanc, CMC  
Council Clerk Pro Tem