SUPERIOR COURT

# STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS FILED WASHINGTON COUNTY SUPERIOR COURT

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C.A. No. WC2000-\_\_\_\_

THE TOWN OF WESTERLY and its Acting Finance Director, MELINDA J. BOEGLIN

### COMPLAINT FOR DECLARATORY JUDGMENT

- 1. Plaintiff, Patricia A. Douglas, is a resident of the Town of Westerly, Rhode Island.
- 2. The Town of Westerly is a town in the State of Rhode Island, is a "body corporate," and is capable of being sued as provided in R.I. GEN. LAWS § 45-15-1.
- 3. Melinda J. Boeglin is the acting finance director of the Town of Westerly and in form and substance represents the financial interest of the town.
- 4. Plaintiff is a member of the Town Council of the Town of Westerly. She was first elected to that position in 1986 and has served continuously since that date.
- 5. Plaintiff's term as a town councilor will come to an end in November 2000, because she did not run for that position in the election of November 2000.
- 6. At the time of her retirement, plaintiff will have served 14 years as a town councilor.
- 7. At the time of her retirement, plaintiff will be 62 years old, her date of birth being July 6, 1938.
- 8. Westerly Code, § 2-143, provides that any person serving 10 years on the council and attaining the age of 60, upon retirement from the council (and not being otherwise regularly employed by the town), shall be entitled to receive a service retirement allowance of 50% of the salary received at the time of retirement (plus 5% for each year served more than 10), but not less that \$200 for each year served.
- 9. Other than her position as town councilor, plaintiff is not employed by the

town.

- 10. After November 13, 2000, plaintiff will not be regularly employed by the town.
- 11. Plaintiff has no other pension or service allowance from the town. She is not a member of the Municipal Employees Retirement System, R.I. GEN. LAWS § \$ 45-21-1 et sea.
- 12. Other employees of the town who have received service allowances or pensions from the town have contributed 6% of their yearly salary to partially off-set the cost of participation.
- 13. Plaintiff has contributed 6% of her yearly salary for the entire period of her tenure as a town councilor.

WHEREFORE, plaintiff requests that the Court enter a declaratory judgment, declaring that upon her retirement from the Town Council, and so long as she is not otherwise regularly employed by the Town, plaintiff is entitled to a service allowance under Westerly Code, § 2-143, in the amount of \$2800 per year.

By her attorneys,

JONES ASSOCIATES

72 South Main Street Providence, RI 02903-2907

Tel: (401) 274-4446 Fax: (401) 274-2805

auren E. Jones # 2141

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS WASHINGTON COUNTY SUPERIOR COURT

PATRICIA DOUGLAS

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THE TOWN OF WESTERLY and its Acting Finance Director, MELINDA J. BOEGLIN

C.A. No. WC2000-0533

### **CONSENT JUDGMENT**

This matter came before the Court on plaintiff's complaint for declaratory judgment and defendants' answer. By agreement of the parties, it is hereby

#### **DECLARED:**

Upon her retirement from the Westerly Town Council, effective November 14, 2000, and so long as she is not then otherwise regularly employed by the town of Westerly, plaintiff Patricia Douglas is entitled to a service allowance pursuant to Westerly Code, § 2-143, in the amount of \$2800 annually.

Consented to in form and substance:

JOHN R. PAYNE, JR. # Q114

46 Granite Street

Westerly, RI 02891 Tel: (401) 596-0391

Fax: (401) 596-6090

Town Solicitor

Lauren E. Jones # 2141

JONES ASSOCIATES

72 South Main Street

Providence, RI 02903-2907

Tel: (401) 274-4446 Fax: (401) 274-2805

Plaintiff's attorney

**ENTER:** 

PER ORDER:

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