

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

SCHOOL COMMITTEE OF THE
TOWN OF WEST WARWICK
LINDAGAY M. PALAZZO
ELIZABETH B. BRUNERO
JAMES WILLIAMSON
BRUCE VANASSE
JOHN A. PETTINICCHIO, JR.
BEING MEMBERS OF THE
WEST WARWICK SCHOOL COMMITTEE
OF THE TOWN OF WEST WARWICK and
KENNETH M. SHEEHAN in his capacity as
SUPERINTENDENT OF SCHOOLS

C. A. NO. PC 09- 0662

v.

EDWARD A. GIROUX
PETER F. CALCI, JR.
ANGELO A. PADULA, JR.
DAVID GOSSELIN, JR.
FILOMENA GUSTAFSON
In their capacities as MEMBERS
OF THE WEST WARWICK TOWN
COUNCIL and MALCOM MOORE in his
capacity as FINANCE DIRECTOR/TREASURER
OF THE TOWN OF WEST WARWICK

COMPLAINT

COUNT I

1. The plaintiff School Committee of the Town of West Warwick is a duly elected body entrusted with the care, custody, management and control of the schools of the Town of West Warwick pursuant to R.L.G.L. §16-2-9, as amended. Lindagay M. Palazzo Elizabeth B. Brunero, James Williamson, Bruce Vanasse, and John A. Pettinicchio, Jr. are the duly elected members of the West Warwick School Committee.

2. The plaintiff Kenneth M. Sheehan is the Superintendent of Schools in the Town of West Warwick and is required by statute to exercise administrative authority over the West Warwick School Department pursuant to R.L.G.L. §16-2-11, as amended.

PP

SUPERIOR COURT
FILED
HENRY S. KINCH JR.
FEB -4 A 10

SUPERIOR COURT
FILED
HENRY S. KINCH JR.
2009 FEB -4 A 10

3. The defendant Town of West Warwick, Rhode Island is a municipal corporation organized and existing under the laws of the State of Rhode Island. The defendants Edward A. Giroux, Peter F. Calci, Jr., Angelo A. Padula, Jr., David Gosselin, Jr., and Filomena Gustafson are the duly elected members of the West Warwick Town Council.

4. The defendant Malcom Moore is the duly appointed Finance Director/Treasurer of the Town of West Warwick.

5. Jurisdiction over this matter is conferred upon the Superior Court pursuant to the provisions of R.I.G.L. § 16-2-21.4.

6. On or about May 20, 2008, the School Committee requested a budget of \$53,813,800 for the FY 2008-2009.

7. On May 20, 2008, the Town Financial Meeting voted to appropriate \$49,269,685 to the West Warwick School Department.

8. On August 6, 2008, the West Warwick School Committee reduced its budget to \$49,799,685.

9. Since that time, the West Warwick School Committee has reviewed its budget and has determined that its budget is insufficient to comply with the provisions of §§ 16-2-21, 16-7-23, or 16-7-24 and that it will require an additional appropriation of approximately \$3,692,872 to insure compliance without incurring a deficit.

10. On or about October 20, 2008, pursuant to the provisions of R.I.G.L. § 16-2-21.4, the plaintiffs petitioned the Commissioner of Elementary and Secondary Education (hereinafter referred to as the "Commissioner") to seek approval of proposed alternatives for the West Warwick School Department to comply with the state regulations and/or to obtain waivers to state regulations in order to have a balanced budget.

11. On or about December 22, 2008 the Commissioner denied the West Warwick School Committee's petition for alternatives and/or waivers.

12. On or about December 23, 2008, also pursuant to the provisions of R.I.G.L. § 16-2-21.4, the West Warwick School Committee submitted a written request to the West Warwick Town Council requesting that the Town Council increase the appropriation for the schools to meet expenditures.

13. In this written request, the Chairman of the School Committee stated: "Failure for the Town Council to respond with a decision by January 15, 2009 will be considered a negative response by the Town Council as to the increase in appropriation for schools." The West Warwick Town Council has still not voted on the School Committee's request. Time is of the essence in this matter.

14. The West Warwick School Committee currently lacks the ability to operate the schools for the 2008-2009 school year and to comply with the provisions of §§ 16-2-21, 16-7-23, or 16-7-24 without incurring a deficit.

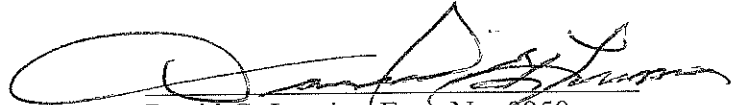
WHEREFORE, the plaintiffs respectfully pray that this Honorable Court grant the following relief:

(i) Set this matter down for hearing at the earliest possible time and give it precedence over all matters except older matters of the same character pursuant to the express provisions of R.I.G.L. § 16-2-21.4.

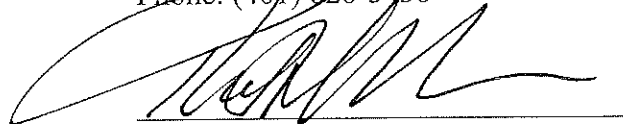
(ii) Order the defendants to increase the appropriation to the West Warwick School Department in the amount of \$3,692,872, or in an amount sufficient to operate the schools for the 2008-2009 school year in accordance with the provisions of R.I.G.L. § 16-2-21, 16-7-23, and 16-7-24 and to pay court costs and reasonable attorney's fees.

(iii) Issue such additional and further relief as this Honorable Court shall deem meet and just.

Plaintiffs
by their Attorneys,



David G. Lussier, Esq., No. 0959
1226 Main Street
West Warwick, RI 02893
Phone: (401) 828-5436



Katherine A. Merolla, Esq., No. 2344
Kent Office Building
469 Centerville Road
Warwick, RI 02886
Phone: (401) 739-2900