

**MINUTES**  
**Town Council**  
**Town of East Greenwich**  
**Regular Session**  
**October 26, 2015 @ 7:00pm**  
**Town Hall, 125 Main Street, East Greenwich, RI 02818**

Town Council Present: M. Isaacs, S. Cienki, M. Schwager, W. Stone, S. Todd

Town Staff Present: T. Coyle, III, L. Botello, P. Clarkin, K. Benoit, L. Bourbonnais, C. Bradley, W. Schmidle, J. Duarte, R. McGillivray, M. Sullivan, S. Brown, S. Cirella, M. Pacillo

Others: C. Malaga

7:00pm ~ Call to Order & Pledge of Allegiance to the American Flag

President Isaacs called the meeting to order and led the assembly in the Pledge of Allegiance to the American Flag.

Acknowledgments

- Commendation for Beth Gorter for being named East Greenwich Teacher of the Year
- Commendation for Cole Middle School for winning National Blue Ribbon Award
- Commendation for Steve Whitney on being awarded RIPEC's Public Service Award
- Commendation for Mildred "Millie" Plouffe for being named 2015 Woman of the Year by The League of Women Voters West Bay

VP Cienki moved to approve the acknowledgments, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Ms. Gorter received her commendation from Council and citations from the House and Senate. Alexis Meyer, Principal at Cole, accepted the commendation on behalf of the school. Mr. Whitney was unable to attend and Mrs. Plouffe's was presented at a dinner meeting by VP Cienki the previous Sunday.

1) Town Council Minutes

- a) October 14, 2015 (Regular and Executive Sessions)

Councilor Stone moved to approve the minutes, seconded by Councilor Todd. Vote 5-0 all in favor, motion carried.

2) Reports and Communications

- a) Public Comment (15-minute time limit for items NOT on the agenda)

None

b) The Trust OPEB Funding Program by Colleen Bodziony

Ms. Bodziony, Director of Operations with The Trust, provided a comprehensive overview of the program including the services that are available and how the Town could benefit from it. With her was Kate Cannie from PARS (Public Agency Retirement Services), their partner in the program. The program created a 115 irrevocable trust, utilizes US Bank as the custodial bank and Vanguard as the investment manager. There are three portfolios available: conservative, balanced and growth. Assets are pooled but each can have a separate account, as well as subaccounts. Fees are generated from PARS, US Bank and Vanguard and are very competitive and based on overall volume. They hope to provide actuarial reviews and currently have 13 members. A resolution would be required to implement the program and it could be activated within a couple of weeks.

Ms. Bodziony and Ms. Cannie answered several questions posed by Council members. Council recommended that the Finance Director research other investment alternatives, identify some pros and cons and report back with a recommendation and an accompanying resolution for the Council if the Council decides to move forward with this. Mr. Coyle was asked to discuss this with Dr. Mercurio. Councilors were invited to a presentation by Vanguard at The Trust on November 17.

c) Financial Report – September 2015

Ms. Benoit reported that current tax collections were \$15,937,691 equal to 29.19% of taxes due. The School Fields Project had no expenses this month. The cash Balance is \$1,047,314 including \$884,400 of encumbrance. The School Bond Project had no expenses this month. The project has total expenditures of \$46,666,926.49. The cash balance is \$ 2,236,660.36. She explained several departmental expenditures that needed clarification.

3) Public Hearing

- a) An ordinance in amendment of Chapter 260 Zoning (as amended); Article II Zoning Definitions, Section 260-6 Terms Defined; Article XV Administration and Procedures of Zoning Board of Review, Section 260-91 Standards of review and Attachment 1, TABLE 1 Table of Permitted Uses by Zone pertaining to marijuana (and related products) cultivation, distribution and sales. (SECOND READING).

The ordinance was drafted to follow the previous moratorium and to address not just what is currently legal but what could become legal. It was recommended unanimously by the Planning Board and would require a special use permit from the Zoning Board. All concerns brought forward from the Planning Board were addressed by the Solicitor and he is comfortable with all of their concerns. New facilities would be required to obtain a building permit and be subject to all inspections to ensure compliance. Chief McGillivray requested that the ordinance include NFPA standards for fire code enforcement. Ms. Bourbonnais added that the Town uses the

State's Building Code and she suggested adding the Fire Marshal to the existing process.

Discussion continued about how the Town becomes aware of growers or cultivation, whether it is individual or a center. Individuals are unregulated at the local level but residential co-ops would need to apply for a special use permit. Compassion centers are regulated by the State. The definition of Personal Marijuana Cultivation was discussed and its location within the ordinance along with other language that Council wanted clarified. A recent situation in North Kingstown was discussed involving arrests and appeals in Supreme Court. It was noted that the ordinance is an evolving document that can be modified as the law evolves.

There were no public comments.

VP Cienki moved to close the Public Hearing and move to third reading, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

4) Consent Calendar

None

5) Unfinished Business

- a) Ordinance in amendment of Chapter 93 Fees, Article III Affordable Housing Development Fees and Chapter 260 Zoning, Article XVII Affordable Housing, Section 260-99 (B), eliminating both in total (THIRD READING).

The ordinance will remove the fee in lieu of construction which was ruled illegal by the Supreme Court.

Councilor Stone moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- b) Discussion and vote on a resolution regarding the authorization of general obligation bonds in an amount not to exceed \$6,000,000 for sewer system improvements by means of a special financial town meeting or a local election.

VP Cienki moved to approve the resolution for the Town Council to request the Town Clerk to call a special financial town meeting on December 1, 2015, seconded by Councilor Stone.

Following a lengthy discussion with comments by Council on the pros and cons of each scenario, it was voted 5-0 all in favor, motion carried.

A formal statement by the Town Council will be approved, forwarded to the Cove Management Commission and disseminated to the press. A video of the facility will be posted online.

- c) Appointment of a Town member to serve on the Wood-Pawcatuck Wild and Scenic Study Committee

Ms. Bourbonnais stated that Kevin Fetzer, Land Trust Chair, has come forward to accept the position.

VP Cienki moved to appoint Kevin Fetzer as the Town's member to serve on the Wood-Pawcatuck Wild and Scenic Study Committee, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

6) New Business

a) FY 2017 Capital Budget

Ms. Bourbonnais explained that she compiled the information received from each Department Head as requested by the Town Manager. The intent of the report is to give Council a heads up on what Department Heads are requesting over the next three fiscal years. A discussion followed on what process to use going forward as far as a budgeting strategy and ranking items by necessity. Department Heads will make formal presentations at budget work sessions in the spring. The Town Manager will work with the Department Heads to prioritize the entire list.

b) Resolution requesting an amendment to Chapter 3-7 of the General Laws to authorize the Town of East Greenwich to grant exemptions pertaining to retail alcoholic beverage licenses.

VP Cienki moved to approve the resolution, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

c) Parking lot agreement between the Odeum Corporation and the Town of East Greenwich

Mr. Coyle had met with Kevin Muoio to look at a new draft of the agreement. Council was concerned about the changes in authority shifting to the Odeum to terminate the agreement within 45 days. Signage was discussed and the addition of language that helps clarify on when the public can park there. Mr. Coyle will revise and present it again at a future meeting.

7) Town Manager's Report

Mr. Coyle reported the Halloween Parade was a huge success and complimented Ms. Bradley on how well the event was run.

8) Council Comments

President Isaacs noted that the regularly scheduled meeting on November 9 will be rescheduled to November 17 at Cole Middle School, following the joint meeting with the School Committee.

Councilor Schwager inquired about the strategic plan update and list of priorities Council developed from a brainstorming work session several months ago and if the items had been prioritized.

President Isaacs added that the Council's Reminder List should be updated monthly. Councilor Todd stated that there is a GOP fundraiser planned for next week.

9) Public Comment (15-minute time limit)

None

10) Executive Session per RIGL 42-46-5 (a) (1) any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting; and (2) pertaining to collective bargaining or litigation.

- a) Fire Chief's contract
- b) Collective bargaining agreements – all unions
- c) Update on any pending or previous settled litigation cases

VP Cienki moved to go into Executive Session per RIGL 42-46-5 (a) (1) any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting; and (2) pertaining to collective bargaining or litigation, seconded by Councilor Todd. Roll call vote 5-0 all in favor, motion carried. Chief McGillivray was provided written notice in advance of the meeting and declined the option to have the meeting held in open session.

Following the Executive Session, Councilor Todd moved to return to Open Session, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

VP Cienki moved to seal the Executive Session minutes, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

VP Cienki moved to adjourn at 11:03pm, seconded by President Isaacs. Voted 5-0 all in favor, motion carried.

Leigh A. Botello, CMC  
Town Clerk

**APPROVED BY TOWN COUNCIL NOVEMBER 17, 2015**