

MINUTES
Town Council
Town of East Greenwich
Regular Session
September 19, 2016 @ 6:00pm
Town Hall, 125 Main Street, East Greenwich, RI 02818

6:00pm ~ Interviews for Boards and Commissions

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

Town Staff Present: L. Carney

- Brian Warburton for Juvenile Hearing Board

Mr. Warburton was a teacher for 12 years in Attleboro and worked with a diversified group of students who had difficulty testing, etc. A friend who was a former board member had positive interactions during her tenure so he wanted to get involved. He is currently a consultant that uses learning management systems for training. The board's schedule and mission were discussed.

- Paula Licciardi for Juvenile Hearing Board

Ms. Licciardi had friends with kids in the program and it sparked her interest. Vacancies on other boards were discussed. She has four teenagers in school, is involved in many school groups and has a lot of experience with young students in the community.

- Patricia Young for Juvenile Hearing Board

Ms. Young is a retired guidance counselor from the high school and served on the board in the late 90's. She is involved with the Boys and Girls Club and mentors at St. Miguel's school. Vacancies on other boards were discussed.

- Patricia Colgan for Juvenile Hearing Board

Ms. Colgan has been actively involved with the schools for 14 years in various capacities including PTG, CWC, mentoring and After Prom. Vacancies on other boards were discussed as well as the scope of the program.

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

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

Town Staff Present: L. Carney, L. Bourbonnais, J. Duarte, C. Bradley, P. Clarkin, R. McGillivray, M. Sullivan

Others: C. Malaga

At 7:05pm, President Isaacs called the meeting to order and led the assembly in the Pledge of Allegiance to the American Flag.

Acknowledgments

- Lt. Thomas Joyce for his service and contributions to the Town of East Greenwich
- Pat Lenihan for being named The Kent Washington Association of Realtors 2016 Realtor of the Year
- Patrolman Dave Imbriglio for his volunteerism on the Historic Cemetery Advisory Commission
- Kentish Guards Fife and Drum Corps 50th Anniversary

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

Mr. Joyce, Ms. Lenihan, Mr. Imbriglio and Mr. Sheryka were congratulated by Council.

1) Town Council Minutes

- a) May 31, 2016 (Special and Executive Sessions)
- b) June 13, 2016 (Regular and Executive Sessions)
- c) June 21, 2016 (Special Session)
- d) June 27, 2016 (Regular and Executive Sessions)
- e) July 11, 2016 (Regular and Executive Sessions)

VP Cienki moved to approve, seconded by Councilor Schwager. Voted 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

3) Public Hearing

- a) Application for NEW Class BVL Alcoholic Beverage License for Rossendo, LLC, d/b/a Tio Mateo's/Greenwich Bay Gourmet, 74 Cliff Street.

Ross DiSegna was present and advised that no outdoor seating was available. There were no public comments.

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

- b) Ordinance in amendment of the Zoning Ordinance Chapter 260 and Comprehensive Plan to re-zone property on the south side of Middle Road (near pole #104) known as Map 52, Plat 11, Lot 499 and a portion of Lot 500 (SECOND READING – continued from 8/22).

Attorney William Landry explained the proposed emergency access path (Applicant's Exhibit 9) as an alternative to a secondary ingress/egress. It would be gravel and gated with a lock for the Fire Department. TRC would review again. Difficulty obtaining secondary access through the private right of way (Cherry Lane) in addition to many environmental constraints made this option easier to engineer. A secondary roadway was not an issue in previous hearings. Traffic impact would be minimal and not warrant another roadway. Commercial neighbors are resistant to allowing the private right-of-way from becoming a public through road. Ms. Bourbonnais is okay with the emergency access path. Traffic light timing was discussed to alleviate issues both at Middle Road and Cherry Lane on Route 2.

Paul Bannon, Beta Group, spoke about other strategies to mitigate traffic and safety at Middle Road and Route 2. An additional right turn lane on Middle Road would require DEM approval. The traffic study included the peak hours of 7:00AM to 8:00AM.

Mr. Landry explained the advantages of private roads versus public roads in these types of developments. There is a minimal burden on the Town and as a condition, can be built to Town specifications before building and occupancy permits are issued. Another condition would be to include language in the purchase and sales agreement advising the purchaser that roads are private and no one shall apply for a change to a public road. The deed and covenants would reflect the same language. Mr. Clarkin recommended that building permits are not issued until the roads are substantially completed to Town specifications and all cul-de-sacs islands are removed. A map entitled LIO Zoning Exhibit (Applicant's Exhibit 10) showing the Town's inventory of light industrial zoned parcels on the Route 2 corridor was discussed as well as a list of parcels by map, plat, lot, owner, development status and acreage (Applicant's Exhibit 11). It was stated that approximately 146.7 acres of undeveloped land is either zoned LIO or in future land use map as LIO. He stated that the project goes along with the intention of the comp plan as far as this site is considered. Ms. Bourbonnais clarified that in the comp plan's future land use map, this parcel remains as light industrial/commercial use not for housing use.

Thomas Sweeney submitted his CV for the record (Applicant's Exhibit 12). He reported that the projections of the value of the units in the Fiscal Impact Statement previously presented in August were on the high end but in a range based on comparable sales over the past two years. Also, it was his opinion that the projections on the benefits to the Town are justified based on the current market and the availability of land. He added that he does not foresee commercial industrial development happening on this site for 2-3 years if not longer based on the market. There is a demand for this type of housing product albeit two-story living. Mr. Primeau clarified that the units are designed with living space on the first floor and guests and storage on the second floor. Council members still questioned the financial impact study.

Mr. Landry confirmed that the age-restriction condition can be enforced with deed restrictions by the Town in perpetuity.

Robert Vespia, Shippeetown Road, asked if the Bicentennial Farm was included in the LIO map

because he believes some land was donated to the Audubon Society and if the density dispute was resolved.

Irving Waldman, 150 Pine Glen Drive, Treasurer of the Pine Glen Condominium Association distributed a letter of opposition (Opposition's Exhibit 1) to the zone change due to concerns about traffic flow. He disputed testimony by Mr. Sweeney and others that seem contradictory. There were additional concerns over the lack of reports on environmental issues and snow piling up. He noted that restrictive covenants in deeds are not valid after 30 years. Traffic on Middle Road was a big concern as well as Mr. Primeau's prior testimony and unwillingness to talk to abutter's about a second ingress/egress due to costs and other problems with the Town.

Nelson Brinkerhoff, an abutter on Middle Road, was mainly concerned with the project's proposed density and the lack of overflow parking. He agrees an additional lane would help at the intersection of Middle Road and Route 2, emergency access too.

Ken Fish, 171 Pine Glen, supports Mr. Waldman's concerns related to traffic but was disappointed that the impacts to Pine Glen were not addressed at all.

President Isaacs commented that certain conditions that are legally enforceable should be considered. An explanation was given on what steps would be taken next if Council approved the project. If the number of affordable housing units is increased by the developer, the municipality has no say and an appeal can be filed with the State Housing Appeals Board. He acknowledged that the developer did choose to use the local approval process rather than the State's. An ordinance will be drafted to incorporate the conditions and reviewed by Council prior to approval at third reading.

Councilor Schwager commented on maintaining a balance between the community and developers. He is not concerned with the cut-through issue with Pine Glen and is satisfied with the issue of snow.

Councilor Stone commented on concerns with safety, density and traffic on Middle Road. He agreed that the demand for this type of housing does exist and would like to see a secondary point of access.

Councilor Todd wanted confirmation that the traffic study was done during peak hours and school time and that the Fire Chief approved of the project. He asked for clarification of the density numbers.

VP Cienki disagreed with comments by the applicant that there is an abundance of land that could be rezoned. She also found Pine Glen not to be an efficient way to get to Route 2 as a cut-through. Not having two access points was her biggest concern.

Councilor Todd moved to close the Public Hearing and move to Third Reading on October 13, 2016, seconded Councilor Schwager. Voted 5-0 all in favor, motion carried.

Council took a brief recess.

- c) Amendment to the Future Use Land Map of the Comprehensive Plan for consideration of the project at 1001 Main Street (SECOND READING).

David Iannuccilli with 620 Main Street Associates, LLC gave an overview of several other projects developed in Town including Village on Vine, Steeple View Office Park, Cottages on Greene and Colby Place. These projects were rehabs with affordable housing units. The proposed project is located at the site of the former Harris Tool/Bernard Photography building and includes 21 small 1 bedroom units priced under \$300,000. The new name is The Terrace Condominiums. The schematic was discussed in relation to other landmarks. Parking, fire access and the traffic study were discussed. School age children are not expected as the target owners are young professionals and seniors looking to downsize.

Ms. Bourbonnais explained why the application only requires a comp plan change and not a zoning ordinance amendment. She confirmed that the State will have to approve the comp plan amendment.

There were no public comments.

VP Cienki moved to close the Public Hearing and move to Third Reading on September 26, 2016, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

4) Consent Calendar

- a) Recommendation from the Tax Assessor for Abatements in the amount of \$30,741.53 and Additions of \$57,334.53.
- b) Approval of annual Halloween Parade Permit

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

5) Unfinished Business

None

6) New Business

- a) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 93 thereof, entitled “Fees”, Article I “Fee Schedule”, Section 93-1 “Schedule of fees and charges.” to increase mooring fees (FIRST READING AND INTRODUCTION).

Councilor Stone moved to approve and schedule for Public Hearing on October 13, 2016, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- b) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 15 thereof, entitled “Alcoholic Beverages”, Section 15-8 “Outdoor sidewalk liquor service.” to combine two separate time periods into one annual period and to combine the fees into one annual fee of \$150.00 (FIRST READING AND INTRODUCTION).

Councilor Stone moved to approve and schedule for Public Hearing on October 13, 2016, seconded Councilor Schwager. Voted 5-0 all in favor, motion carried.

- c) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 248 thereof, entitled “Vehicles and Traffic”, Article II “Operation”, Sections 248-16 “Throughways and designated” and 248-19 “Multiway stop intersections” removing Kenyon Avenue and Hyland Avenue from the list of through streets and creating a three-way stop intersection at Hyland Avenue and Kenyon Avenue (FIRST READING AND INTRODUCTION).

VP Cienki moved to approve and schedule for Public Hearing on October 13, 2016, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- d) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 248 thereof, entitled “Vehicles and Traffic”, Article III “Parking, stopping and standing”, Sections 248-34 “Stopping, standing and parking prohibited on certain streets” designating No Parking on the south side of Fifth Avenue and the west side of Second Street (FIRST READING AND INTRODUCTION).

Councilor Stone moved to approve and schedule for Public Hearing on October 13, 2016, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- e) Approval of agreement between the Town of East Greenwich Department of Public Works and the Rhode Island Laborers’ District Council on behalf of Local Union 1322 effective July 1, 2016 through June 30, 2019.

Item was continued to September 26, 2016.

- f) Award of bid to East Coast Sealcoating, Inc. for a net installed price of \$23,989 for the resurfacing of the Eldredge basketball courts and the municipal courts located at the High School.

Funds were already included in the capital budget for FY 2017. Bid includes crack sealing and colored lines.

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

- g) Award of bid to Tri-State Flexi-Pave, Inc. for the installation of tree surrounds for Main Street trees in the amount of \$20,835.00.

Ms. Bourbonnais explained that the grant came from RI Commerce Corporation for Main Street Improvement Grants. They are made of composite materials similar to mulch and are handicap accessible. Only one bid was received for 34 units. The contractor will install them on Main Street but there is interest from the Tree Committee to install in other areas of Town.

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

h) Discussion on the process of administering the Oath of Office.

The item was continued to September 26, 2016 for approval to adopt a written oath of office for the appointment and reappointment to Boards and Commissions. The charter language will be reviewed for a possible amendment in the future.

7) Town Manager's Report

Mr. Coyle will be meeting with the Main Street Merchants to discuss signage issues and ADA compliance. EMA meetings have begun in preparation for winter. Planning has begun for the inauguration in November.

8) Council Comments

Councilor Schwager asked about the Harris Marina building, the Cove Homes project on Route 4 which is years away and the Science Center's delayed opening.

Councilor Todd thanked DPW for installing railings at the kindergarten area at Frenchtown School.

9) Public Comment (15-minute time limit)

There were no public comments.

10) Executive Session per RIGL 42-46-5 (a) (2) Collective Bargaining/Litigation and (5) related to the acquisition or lease of real property for public purposes.

a) Union negotiations

b) Update on any pending or previously settled litigation cases

Due to lack of a motion, there was no Executive Session.

Councilor Stone moved to adjourn at 9:35pm, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Leigh A. Carney, CMC

Town Clerk

APPROVED BY TOWN COUNCIL OCTOBER 13, 2016