

MINUTES
Town Council
Town of East Greenwich
Regular Session
October 13, 2016 @ 6:45pm
Town Hall, 125 Main Street, East Greenwich, RI 02818

6:45pm ~ Interview for Boards and Commissions

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

Town Staff Present: L. Carney

- Alexander Clegg for Cove Management Commission

Mr. Clegg is a sailmaker and a professional sailboat racer. As a native of Potowomut, he has been on the cove for over 25 years. His main objective would be to maintain a balance between the commercial and recreational uses of the cove and environmental protection. He is familiar with the waterfront development proposal and could add a lot of input to that. Other projects were briefly discussed including Harris Marina, integrated access at Scalloptown and kayak launches.

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: T. Coyle, L. Carney, L. Bourbonnais, P. Clarkin, J. Duarte, S. Cirella, R. Houghtaling

Others: C. Malaga

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

Acknowledgments

None

1) Town Council Minutes

- a) June 14, 2016 (Financial Town Meeting)
- b) July 25, 2016 (Regular and Executive Sessions)
- c) August 22, 2016 (Regular and Executive Sessions)
- d) September 19, 2016 (Regular Session)
- e) September 26, 2016 (Regular Session)

Councilor Stone moved to approve, seconded by VP Cienki. 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)

Anthony Soccia of 576 South Road and Luke Eller of 47 Melrose Street spoke on behalf of the East Greenwich High School's Civic Action Club. In light of Columbus Day, they asked Council to reflect upon the indigenous peoples and the wrongs inflicted upon them. A quote was read on the plight of the Arawak people written by Howard Zinn. The students asked for a moment of silence to honor the indigenous peoples of this country. They asked that the name of Columbus Day be changed to Indigenous Peoples Day.

3) Public Hearing

- 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 (SECOND READING).

There were no public comments.

Councilor Todd moved to close the Public Hearing and move to Third Reading on October 24, 2016, seconded by Councilor Stone. 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 (SECOND READING).

There were no public comments.

Councilor Todd moved to close the Public Hearing and move to Third Reading on October 24, 2016, seconded by 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 (SECOND READING).

There were no public comments.

Councilor Stone moved to close the Public Hearing and move to Third Reading on October 24, 2016, seconded by VP Cienki. Mr. Duarte explained that over the years, several complaints have been received about this intersection. He provided details related to sight distance issues and suggestions provided by Anna Novo, the Town's traffic engineer. The area will be monitored

during the winter. 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 (SECOND READING).

There were no public comments.

VP Cienki moved to close the Public Hearing and move to Third Reading on October 24, 2016, seconded by Councilor Schwager. This request was received by a resident dealing with commercial parking issues on their property. Voted 5-0 all in favor, motion carried.

4) Consent Calendar

- a) Recommendation from the Tax Assessor for ADDITIONS to the 2015/2016 Real Estate and 2016 Motor Vehicle tax rolls in the amount of \$7,617.03.

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

5) Unfinished Business

- a) 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 (THIRD READING).

William Landry for Philip Ryan Homes commented on Conditions 11 and 12 in the draft ordinance. He asked for an exception to be considered in Condition 11 to allow for a model/sales unit to be constructed while the base coat is being put down provided that the gravel base is sufficiently compacted in the opinion of the DPW and passable for emergency vehicles. In Condition 12, he suggested that the developer post a certified bank check equivalent of cash to the satisfaction of the Solicitor for the value of the top coat as determined by the DPW and retained by the Town in the event the top coat does not go on within 48 months. In addition, no certificates of occupancy for the final building shall be issued until the final top coat is on. In Condition 14, it was suggested that all disclosures related to services remaining private shall go in the purchase and sales agreement and the public offering statements.

Council discussion followed. It was clarified that a building permit would be required to convert the model unit to a dwelling unit. Legal documents could be prepared to include a stipulation granting the Town an easement to complete the roads if necessary. Mr. Landry confirmed that the developer has not met his obligation to complete off-site improvements at Fry Brook. Mr. Duarte provided an explanation of how the off-site improvements (culvert) became involved and that it was also a condition of final approval at Fry Brook. To date, no legal action has been taken. The developer agreed to satisfy the remaining obligations at Fry Brook with respect to the off-site culvert as Condition 15 to the Middlebury project. Mr. Duarte suggested that it also be linked to

Condition 11 related to the issuance of building permits.

Mr. Landry provided some clarity on the density calculations previously presented by DiPrete. Thirty four (34) units was the correct baseline figure but this project has nine more units than Pine Glen which are considered affordable for the project. So the base density is comparable on an apples-to-apples basis but this project compares better than Pine Glen because of its 20% density bonus. Further discussion followed on amending the draft ordinance, the traffic study and the potential impact to the area if the project was commercial in nature.

Councilor Stone moved to continue the third reading to October 24, 2016, seconded by VP Cienki. Voted 5-0 all in favor, motion carried.

6) New Business

- a) Appointment to the Affordable Housing Commission for a 2-year term to expire August 25, 2018.

VP Cienki moved to appoint Paula Licciardi to the Affordable Housing Commission for a 2-year term to expire August 25, 2018, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

7) Town Manager's Report

Mr. Coyle gave an update on the recent visit by the Governor and the receipt of a \$32,000 grant from the Main Street Rhode Island Streetscape Improvement Fund for improvements to Main Street such as new tree grates.

8) Council Comments

VP Cienki advised that it is "31 Days of Planning" for the month of October.

Councilor Schwager asked for an update on the water issues in the Hill and Harbor area. Mr. Coyle and Mr. Duarte are working with KCWA on leak detection and will address repaving issues in the spring of 2017. Options on how to address the Town's concerns with the leadership of the KCWA were discussed as well as the composition of their board.

9) Public Comment (15-minute time limit)

None

10) Executive Session per RIGL 42-46-5 (a) (2) Collective Bargaining/Litigation

- a) Pending litigation

Lacking a motion to go into Executive Session, Councilor Stone moved to adjourn at 8:22pm, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Leigh A. Carney, CMC, Town Clerk **APPROVED BY TOWN COUNCIL OCTOBER 24,**

2016