

**MINUTES**  
**Town Council**  
**Town of East Greenwich**  
**Regular Session**  
**October 24, 2016 @ 7:00pm**  
**Town Hall, 125 Main Street, East Greenwich, RI 02818**

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, III, L. Carney, J. Duarte, W. Schmidle, *P. Clarkin*, R. McGillivray, M. Sullivan, S. Brown, S. Cirella, L. Bourbonnais

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) August 17, 2016 (Special Session)
- b) October 13, 2016 (Regular Session)

Councilor Stone moved for approval once the sentence about the bidding process in the August 17 session was stricken, 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)

None

- b) Presentation of Novus Agenda

Ms. Schmidle provided an update on the status of rolling out the new software to be used initially by Town Council for managing agendas and minutes. Training will be scheduled for Council and Department Heads. A better way to make presentations in Council Chambers is being investigated. The goal is to be automated by the first meeting in January 2017.

3) Public Hearing

None

#### 4) Consent Calendar

- a) Approval of recommendation from the Tax Assessor for Abatements to the 2016 Real Estate and Motor Vehicle tax rolls in the amount of \$14,668.80 and Additions to the 2016 Real Estate tax roll in the amount of \$466.56.

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

Moved to Item 5b

#### 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 – continued from 10/13).

The draft ordinance was amended since the last meeting on October 13<sup>th</sup>.

Condition 15 was discussed in length with regard to the timing of the replacement of the culvert at Fry Brook. Mr. Landry suggested some language stating that the culvert would be in at the earlier of the completion of the work or posting a certified bank check with the Town, whose value would be determined by Mr. Duarte, as a substitute for the bond currently held which the Town could call on it the culvert was not finished by a certain date. Copies of the exact suggested language were disseminated. Discussion followed on how to handle a culvert failure and/or emergency repairs and adding additional language to protect the Town further from incurring any costs associated with that. The sequence of events was also discussed and Mr. Duarte was comfortable with waiting to complete the culvert replacement until next summer. Ms. Bourbonnais added the intent of Condition 15 was based on waiting until next summer anyway. Discussion continued regarding new draft language for Condition 15 to read “If said requirements are not fulfilled by July 31, 2017, or if there is a failure of the culvert that is to be replaced prior to completion of the work, then the Town shall negotiate the check to retain the proceeds for the purposes of carrying out that work and/or conducting emergency repairs.” Timing on the receipt of the cash check by the Town was a concern so Mr. Clarkin was excused to confer with Mr. Landry and Ms. Bourbonnais to draft a final version of the new language.

Moved to Item 6a

A re-drafted version of Condition 15 was read by President Isaacs “This ordinance shall take effect upon payment to the Town of East Greenwich of cash in the form of a certified bank check no later than ninety (90) days from the date hereof, to be held in escrow, in an amount equal to the cost of completing the Fry Brook Development Middle Road culvert to be set by the Director of the Department of Public Works. The applicant shall complete the culvert replacement project by July 31, 2017. If the applicant does not complete the culvert replacement by July 31, 2017 to the satisfaction of the Director of the Department of Public Works or if the culvert which is the subject of this condition fails prior to replacement by the applicant, the Town shall negotiate the check and retain the proceeds to complete the culvert replacement. Upon receipt of the cash, the

existing bond will be released.” This language will ensure that any failure will be the responsibility of the applicant. The anticipated approximately value is up to \$100,000.

Condition 14 was reviewed to consider adding additional language to the last sentence after the work ‘by-laws’ to include “purchase and sale agreements, deeds and public offering documents, subject to ...”.

Condition 12 was discussed but found to be manageable under the purview of the Planning Board.

Councilor Todd moved to approve on Third Reading an amended ordinance with the addition to Condition 14 after the word by-laws the words “purchase and sales agreements, deeds and public offering documents” and with a new Condition 15 that reads as follows “This ordinance shall take effect upon payment to the Town of East Greenwich of cash in the form of a certified bank check no later than ninety (90) days from the date hereof, to be held in escrow, in an amount equal to the cost of completing the Fry Brook Development Middle Road culvert to be set by the Director of the Department of Public Works. The applicant shall complete the culvert replacement project by July 31, 2017. If the applicant does not complete the culvert replacement by July 31, 2017 to the satisfaction of the Director of the Department of Public Works or if the culvert which is the subject of this condition fails prior to replacement by the applicant, the Town shall negotiate the check and retain the proceeds to complete the culvert replacement. Upon receipt of the cash, the existing bond will be released.”, seconded by Councilor Schwager.

Ken Fish, 171 Pine Glen, commented that every afternoon between 4:00pm and 5:30pm, traffic is backed up on Middle Road passed Spring Valley. He was frustrated that the public does not have access to information being considered by the Town Council.

Condition 2 was discussed related to its ‘intent’ to construct up to 43 units.

Councilor Stone moved to amend the ordinance to add a new last sentence to Condition 2 which reads “The total number of units shall not exceed 43.”, seconded by VP Cienki. Voted 5-0 all in favor, motion carried.

After further closing comments from Council, it was voted 5-0 all in favor, motion carried.

Moved to Item 7

- b) 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 (THIRD READING).

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

- c) 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 (THIRD READING).

Councilor Todd moved to approve, seconded by Councilor Stone. 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 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 (THIRD READING).

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

- e) 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 (THIRD READING).

Councilor Stone moved to approve, seconded by Councilor Schwager.

Susan Hammond advised that she has owned the property on the corner of Fifth Avenue and Second Street since 1997 and operates a business there as well. There is designated parking for employees and staff. She is concerned with why the change is being made and that it may impact her business.

Mr. Coyle explained that the reason for the change stemmed from a complaint received from an abutter about vehicles parking on their lawn for long periods of time. Mr. Coyle and Mr. Duarte decided that since there was ample parking at this business, prohibiting parking on the south side of Fifth Avenue would not be an issue. Ms. Hammond handed out copies of photographs of 97 Second Street which showed the same cars parking in front of the residence at different times. It was noted that the amendment was tailored to eliminate parking in front of this residence.

Voted 5-0 all in favor, motion carried.

Moved to Item 5a

#### 6) New Business

- a) Approval of the proposal submitted by CivicPlus for the redesign and update of the Town’s website.

Ms. Schmidle explained that the proposal also includes a mobile app and email capabilities. The School Department is on board but the Town would be done first followed by them. Pricing is

within range. This is a hosted solution also being used by South Kingstown, Westerly and Narragansett. Integration of both school and town was a concern due to divided opinions at the management level within the School Department. The projected cost to the Town is \$30,000 with \$20,000 already allocated and approved in the Capital Fund. The vendor offered a three year subscription. The first two years would be covered by Capital and if the School Department does not agree to consolidate, the third year would affect the Town's operating budget for FY 2019. Discussion continued regarding contract language, technical requirements and other hurdles to anticipate going forward such as the schools embracing Google platforms.

Councilor Todd moved to approve the proposal submitted by CivicPlus for the redesign and update of the Town's website, seconded by VP Cienki.

After further discussion on integration and branding, it was voted 5-0 all in favor, motion carried.

- b) Approval of application for Class F Alcoholic Beverage License for Varnum Continentals, Craft Beer and Museum Fundraiser on November 19, 2016.

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

- c) Approval of application for Class F Alcoholic Beverage License for Northern RI Conservation Annual Dinner at the Varnum Armory on November 12, 2016.

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

- d) Ratification of application for Class F-1 Alcoholic Beverage License for Pink Party RI Fundraiser at the Varnum Armory held on October 22, 2016.

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

- e) Re-appointments to Boards and Commissions
  - i) Deron Murphy (Chair) to the Historic Cemetery Advisory Commission for a 3-year term to expire November 30, 2019.

VP Cienki moved to reappoint Deron Murphy (Chair) to the Historic Cemetery Advisory Commission for a 3-year term to expire November 30, 2019, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- ii) Heather Larkin as a regular member to the Juvenile Hearing Board for a 3-year term to expire December 1, 2019.

VP Cienki moved to reappoint Heather Larkin as a regular member to the Juvenile Hearing Board for a 3-year term to expire December 1, 2019, seconded by Councilor Todd. Voted 5-0 all

in favor, motion carried.

- iii) Myrna Levine as a regular member to the Juvenile Hearing Board for a 3-year term to expire December 1, 2019.

VP Cienki moved to reappoint Myrna Levine as a regular member to the Juvenile Hearing Board for a 3-year term to expire December 1, 2019, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- iv) Leanne Zarrella as an alternate member to the Juvenile Hearing Board for a 1-year term to expire December 1, 2017.

VP Cienki moved to reappoint Leanne Zarrella as an alternate member to the Juvenile Hearing Board for a 1-year term to expire December 1, 2017, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

- f) Appointment of a regular member to the Cove Management Commission for a 3-year term to expire July 1, 2018.

VP Cienki moved to appoint Alexander Clegg as a regular member to the Cove Management Commission for a 3-year term to expire July 1, 2018, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Returned to Item 5a

#### 7) Town Manager's Report

Mr. Coyle reported that the tree grates on Main Street have been upgraded and the Town's annual Halloween parade is Saturday.

#### 8) Council Comments

President Isaacs advised that the next scheduled meeting is November 14, 2016; followed by the swearing in/inauguration dependent upon the certification of the election at the State level.

VP Cienki thanked President Isaacs for his 12 years of service to the East Greenwich community and recognized his efficient and organized approach running meetings.

Councilor Schwager asked about the Town's policy and obligation in securing the area near the train tracks. Chief Brown replied Amtrak has complete control; including their own police.

#### 9) Public Comment (15-minute time limit)

None

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

a) Pending Litigation

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

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

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

Leigh A. Carney, CMC  
Town Clerk

**TOWN COUNCIL APPROVED NOVEMBER 14, 2016.**