

MINUTES
Town Council
Town of East Greenwich
Special Meeting
May 20, 2019 at 6:00 PM
Town Hall, 125 Main Street, East Greenwich, RI 02818

(1) Call to Order

Town Council (4/5): Mark Schwager, President; Michael Donegan, Vice President; Caryn Corenthal and Renu Englehart (Michael Zarrella – absent)

Town Staff: Joseph Duarte, Acting Town Manager/Director of Public Works; Leigh Carney, Town Clerk

President Schwager called the meeting to order at 6:08pm.

(2) 6:00 PM ~ Interviews for Boards and Commissions

(a) 6:00 PM ~ William Weedon for Cove Management Commission

Mr. Weedon was interviewed.

(b) 6:15 PM ~ Steve Mendes for Cove Management Commission

Mr. Mendes was interviewed.

(c) 6:30 PM ~ Chris Pels for Planning Board

Mr. Pels was interviewed.

(3) 7:00 PM ~ Pledge of Allegiance to the American Flag

Town Council (5/5): Mark Schwager, President; Michael Donegan, Vice President; Caryn Corenthal, Renu Englehart and Michael Zarrella

Town Staff: Joseph Duarte, Acting Town Manager/Director of Public Works; Leigh Carney, Town Clerk; Wendy Schmidle, Director of Information Technology; Col. Stephen Brown, Chief of Police; Capt. Stanley Cirella, Deputy Chief of Police; Lisa Bourbonnais, Director of Planning; Matt Whetzel, Network Administrator

Others: Carole Malaga, Stenographer

President Schwager led the assembly in the Pledge of Allegiance to the American Flag.

(4) Council President Announcements

None

(5) Public Comments (15 minute time limit for items NOT on the agenda)

None

(6) Public Hearing

- (a) An ORDINANCE in amendment of the Code of the Town of East Greenwich; Chapter 260 Zoning, Article II Zoning Definitions, Section 260-6 Terms Defined addressing DISTILLERIES; and amending Attachment 1: Table 1, Table of Permitted Uses By Zone, to address industrial uses; and to amend Article VI, Off-Street Parking Regulations, Section 260-20, Required off-street parking spaces to address industrial uses (SECOND READING/ADVERTISED PUBLIC HEARING).

President Schwager opened the public hearing.

Peter Huber explained the scope of his proposed project to open a distillery which the Town's Code does not currently provide a use for. He petitioned the Planning Board to consider the use and to consider amending the zoning ordinance. He plans on moving in in August and open within 6-8 weeks. He addressed questions regarding tasting, serving and retail sales amounts, hours of operation, water consumption, employment, food trucks, delivery traffic, noise, odors and TIPS certification. Mr. Duarte requested Mr. Huber continue to work with the sewer department as the project evolves.

Director Bourbonnais confirmed that the plan has been thoroughly vetted by the Planning Department. Containment due to spillage was the biggest concern. Other issues of concern were dust and storage of dry goods. She advised the matter was advertised for four weeks and there were technical issues that are being worked out. Fire suppression shall be addressed by the Fire Marshal. Use would be by right and parking requirements would be incorporated.

There were no public comments and subsequently, the public hearing was closed.

Motion to approve and move to third reading made by Michael Zarrella, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(7) Consent Calendar

- (a) Minutes from April 25, 2019 (Special Meeting - Open Session)
- (b) Recommendation from the Tax Assessor for abatements to the 2018 real estate tax roll in the amount of \$6,373.30

- (c) Ratification of Amended Memorandum of Agreement between East Greenwich School Committee and East Greenwich Town Council dated May 1, 2019.
- (d) Memorandum regarding Clear River Energy (Burrillville Power Plant) Litigation

Item (b) was removed for separate consideration by Councilor Englehart.

Motion to approve Items (7) (a), (c) and (d) on the Consent Calendar made by Michael Donegan, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Councilor Englehart was concerned about the abatement for the Division Group. Solicitor Teitz explained the matter was taken up before the Board of Assessment Review. Discussion ensued. An explanation will be provided by the Tax Assessor.

Motion to approve Item (7) (b) made by Renu Englehart, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(8) Unfinished Business (Discussion/Action)

(a) WATERFRONT ISSUES

President Schwager introduced the items and Solicitor Teitz defined the area considered to be 'waterfront'. He requested that Council consider continuing the noise ordinance until July to allow for baseline information to be collected. Furthermore, he requested that the previous ordinance related to creating a Waterfront Quality of Life Committee be tabled and a new resolution be considered. He proposed taking a closer look at establishments looking to renew licenses in the fall and the issuance of outdoor amplified music permits currently issued by the Police Department.

(1) Report from Dr. James Miller on Acoustic Study of waterfront area.

Dr. Miller provided an overview of his professional experience. He spoke about his observations as a result of a site visit and described the unique topography of the waterfront area. He suggested leasing a monitoring system for a month. He addressed the benefits of using such a system. A lengthy discussion ensued on identifying specific sound levels and interpreting data collected over a period of time by using special equipment and incorporating Dr. Miller's observations. Specific suggestions would be provided to the restaurants. He addressed concerns about increased base levels, topography, decibel/spectrum measurements, human tolerance and building logistics. The study will commence around Memorial Day. Dr. Miller explained what

modifications could help such as walls, speaker orientation and sound proofing materials. Sound levels in the current ordinance need to be addressed. Dr. Miller explained the decibel scale and expressed his willingness to collaborate to find a solution.

Joe Gelineau, 88 King Street, requested that base levels are addressed as soon as possible.

Attorney Jeffrey Gladstone reported that the first meeting with the neighbors and businesses was productive. The next meeting is scheduled at Blu on June 11th. He summarized the initial steps to be taken with the agreement of all parties including trash, traffic/parking, social media and beautification. He advocated for addressing issues sooner than later with the help of Dr. Miller. Solicitor Teitz supported the idea. Mr. Gladstone noted that the businesses would pay for a specialist if needed. Discussion ensued on coordinating a site visit to address changes that could take place immediately.

Elisha Ellis, 98 Long Street, commented on speaker orientation and provided his address for Dr. Miller to make a visit. He voiced his concerns about not being notified about the initial meeting and his dismay with the meeting's outcome.

Robert Bolton, 225 Watch Hill, commented on his positive experiences at Blu and was optimistic for a compromise. He voiced his interest in serving on the WQLC.

Robert Black, 40 King Street, commented on parking/traffic, trash and base levels.

(2) ORDINANCE to amend the Code of the Town of East Greenwich, Chapter 152 thereof, entitled "Noise", Section 152-4 "Ambient Base Noise Level" related to sound level decibels (FIRST READING AND INTRODUCTION. Continued from March 4th, March 11th and March 25th).

Motion to continue First Reading until July 8th made by Michael Zarrella, seconded by Michael Donegan

Council comments followed.

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(3) ORDINANCE to amend the Code of the Town of East Greenwich, Chapter 34, thereof, entitled "Boards, Committees and Commissions" to add Article XI "Waterfront Quality of Life Committee" (FIRST READING AND INTRODUCTION). **Recommended by Town Solicitor to be tabled.**

Motion to table made by Michael Donegan, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) RESOLUTION establishing the Waterfront Quality of Life Committee (WQLC).

Solicitor Teitz addressed the composition of the committee and scope of work.

Council discussion ensued on whether to delegate duties to the Cove Management Commission.

Motion to pass the resolution made by Michael Zarrella, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(9) New Business (Discussion/Action)

- (a) Discussion and approval of WWTP Resiliency Plan as presented by Joseph Duarte, Acting Town Manager/Director of Public Works

Mr. Duarte provided a summary of DEM's most recent study of the treatment plant and the outline of the proposed plan. He addressed concerns about anticipated costs and flood/storm maps. Discussion followed on using sewer bond money to improvements.

Motion to approve made by Michael Zarrella, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(10) Public Comments (30 minute time limit)

None

(11) Council Comments

Councilor Englehart requested that the Town Manager's Report be returned to the agenda.

(12) Executive Session

- (a) Closed pursuant to RIGL 42-46-5 (a) (2) for sessions pertaining to litigation to discuss AAA case # 01-18-0003-9032.
- (b) Closed pursuant to RIGL 42-46-5 (a) (2) for sessions pertaining to litigation to discuss the claims of Christopher Lamendola.
- (c) Closed pursuant to RIGL 42-46-5 (a) (2) for sessions pertaining to litigation to discuss legal fees from Whelan, Corrente, Flanders, Kinder & Siket LLP.

Motion to convene into Executive Session per RIGL 42-46-5 (a) (2) for sessions pertaining to litigation to discuss AAA case # 01-18-0003-9032; and remain in Executive Session per RIGL 42-46-5 (a) (2) for sessions pertaining to litigation to discuss the claims of Christopher Lamendola and to discuss legal fees from Whelan, Corrente, Flanders, Kinder and Siket LLP made by Renu Englehart, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Following the Executive Session, Council reconvened into Open Session.

Action was taken on Item (b).

Motion to seal the Executive Session minutes including the action taken on Item (b) made by Michael Donegan, seconded by Renu Englehart

Ayes: Corenthal, Donegan, Englehart, Schwager

Motion carried 4 – 0 with Zarrella recused

(13) Adjournment

Motion to adjourn made by Michael Donegan, seconded by Renu Englehart

Ayes: Corenthal, Donegan, Englehart, Schwager

Motion carried 4 – 0

Submitted By:

Leigh A. Carney, CMC
Town Clerk

Approved By Town Council:
(PENDING)