

MINUTES
Town Council
Town of East Greenwich
Regular Meeting
July 8, 2019 at 7:00 PM
Town Hall, 125 Main Street, East Greenwich, RI 02818

(1) Call to Order and Pledge of Allegiance to the American Flag

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

Town Staff: Joseph Duarte, Director of Public Works/Acting Town Manager; Dianne Potter, Deputy Town Clerk, Andrew Teitz, Esq., Town Solicitor, Lisa Bourbonnais, Director of Planning; Wendy Schmidle, Director of Information Technology, Anthony Davey, Tax Assessor; Catherine Bradley, Director of Community Services and Parks; Capt. Stanley Cirella, Deputy Chief of Police; Robert Houghtaling, Substance Abuse Coordinator

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

John Pierson of 70 Sylvan Drive commended the EGFD for their hard work at July 4th house fire on High Hawk Road emphasizing the multi-department cooperative efforts in attempting to contain the fire.

(3) Acknowledgements

- (a) Commendation for Sean O'Leary for serving 3 years on the Board of Assessment Review

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

Ayes: Corenthall, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0 (Sean O'Leary not in attendance)

- (b) Commendation for Mary Ellen Perry upon her retirement after 31 years of service

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

Ayes: Corenthall, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0 (Mary Perry in attendance to receive commendation)

- (c) Proclamation Acknowledging July as Parks and Recreation Month

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

Ayes: Corenthall, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(4) Reports and Communications

(a) Substance Abuse Year End Staff Report and Grant Awards Announcement

Robert Houghtaling gave an end of year report on the East Greenwich Drug Program. He elaborated on senior outreach, client statistics, vaping, referrals, prevention initiatives for youths/adults and the Teen Center. State grants (\$28,000) were secured to assist with the opioid crisis. He addressed concerns about suicide, transgender, statistical reporting, senior services, and grant programs. Director Bradley provided an update on the opioid initiatives in the community and details on the grants received from the State. A suggestion was made to provide mindfulness workshops. Testifying before the General Assembly will continue to advocate for increasing the age to purchase tobacco products. Councilors commended him for his good work.

(5) Consent Calendar

- (a) Re-appointment of Christopher Mulhearn as a regular member to the Zoning Board of Review for a five-year term to expire July 1, 2024.
- (b) Re-appointment of David Collier as an alternate member to the Zoning Board of Review for a one-year term to expire July 1, 2020.
- (c) Approval of Performance Bond and Inspection Fee for Frenchtown Place Subdivision
- (d) Application for a NEW Virtualing License for Teas and Javas LLC, 10 Briggs Drive
- (e) Resolution Authorizing Open Space Acquisitions

Items (a) (b) and (e) were pulled from the Consent Calendar.

Motion to approve Items (c) and (d) on the Consent Calendar made by Michael Zarrella, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Motion to approve Item (a) on the Consent Calendar made by Renu Englehart, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Motion to approve Item (b) on the Consent Calendar made by Renu Englehart, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Solicitor Teitz introduced item (e) the Resolution Authorizing Open Space Acquisitions as a formality giving the Town the authority for legal transactions involving conveyances and subdivisions. He advised Michael Donegan to recuse himself because he is an abutter to part of the “Clark” parcel; however, Mr. Zarrella was advised that he should not need to recuse himself concerning the “Church-Boesch” acquisition.

Director Bourbonnais indicated that this is a complicated transaction, and proceeded to define the parcels involved, pointing them out in maps. She stated that the Open Space Impact Fee Fund covers all of the fees incurred for open space acquisitions, and affirmed that the parcels are structure-free.

President Schwager explained where they are in the process and proceeded to read the Resolution.

Public Comment:

Melissa Church-Chapin stated that she has been working with the Town for 2 years on this land donation, and she does not have the time for this transaction to be drawn out any further as the delay might cause her to lose out on a buyer for a subdivided adjacent lot.

Discussion ensued. Solicitor Teitz advised that an Administrative Subdivision Plan needs to be recorded first before she can deed an adjacent lot. Director Bourbonnais affirmed that a Plan has been drawn up, but needs Planning Board approval.

At 8:15pm Solicitor Teitz recommended a brief recess to discuss this issue.

At 8:30pm Council reconvened and proceeded to move to New Business.

(6) Unfinished Business (Discussion/Action)

(a) WATERFRONT ISSUES

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

Dr. Miller provided an update on the work he has done and provided an audio sampling of late night data to be correlated with weather conditions, the number of patrons, etc.

Solicitor Teitz explained that this is a progress report to date for the purpose of assuring residents that this issue is being addressed, while allowing Mr. Miller time to collate data and provide a report by the end of August. He recommended that the Draft Ordinance be continued to 9/9/19 for public hearing in October.

(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 3/4, 3/11, 3/25 and 5/20).

Public Comment:

Attorney Jeff Gladstone, representing Blu and Finn's, offers checks to the Town as a good faith gesture in sharing expenses. He described actions taken by both Blu and Finn's to remediate noise in hopes that amending the ordinance might not be necessary. He stated that Blue has had sub-woofers removed, existing speakers redirected toward water, ordered sound barrier curtains,

and are getting recommendations and pricing from New England Sound Proofing. In addition they are sending litter patrols out in early morning and have implemented a hot-line for complaints. He affirmed that Finn's plans are similar.

Joseph Gelineau of 88 King Street commented that he has seen an improvement in trash removal, more acceptable sound levels, and Police presence. He will continue to take his own sound readings and is encouraged that they are all now working together.

Robert Black of King Street stated that the problem is not just the music noise. He is concerned about motorcycles drag racing up King Street and many vehicles and motorcycles are not observing the stop sign at the intersection of King Street and Duke Street.

Councilor Englehart recommended that the Police start monitoring and ticketing these offenders.

Steve Medeiros plays in bands at Finn's, and he affirmed that Mr. Finn is concerned and taking corrective action.

Mike Della Grotta, former East Greenwich restaurant owner, recommended that the community needs to work together, and reminded the Council that they have tremendous economic power over the restaurant owners.

Joseph Gelineau stated that even on some very busy nights recently at the waterfront, the music noise levels have been acceptable.

Motion to continue the item to September 9, 2019 made by Michael Zarrella, seconded by Renu Englehart

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Moved to Item (8) Public Comments

(7) New Business (Discussion/Action)

- (a) Appointment of a Republican alternate member to the Board of Canvassers for a five-year term to expire July 8, 2024.

Motion to appoint Mary Ellen Winters as a Republican alternate member to the Board of Canvassers for a five-year term to expire July 8, 2024 made by Michael Donegan, seconded by Michel Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) Designation of Leigh Carney, Town Clerk, as Acting Town Manager pursuant to section C-87 of Charter from July 13 - 20, 2019.

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(c) Review and adoption of the Outdoor Facility Policy

Director Bradley defined the fee schedule and categories for field usage. She predicted approximate annual revenue of \$5,000.

Motion to approve made by Michael Zarrella, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Returned to Item 5 (e) on Consent Calendar.

Solicitor Teitz provided an update on the discussion that took place during recess, and recommended a motion to approve the Resolution

Motion to approve Item (e) on Consent Calendar made by Michael Zarrella, seconded by Renu Englehart

Ayes: Corenthal, Englehart, Schwager, Zarrella

Motion carried 4 – 0 with Donegan recused

(d) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 227 thereof, entitled "Taxation", adding Article XVIII "Exemption for Vehicles of Persons with Disabilities", Section 227-53 "Exemption for Vehicles of Persons with Disabilities" (FIRST READING/INTRODUCTION).

Motion to approve and schedule for Public Hearing in August made by Michael Donegan, seconded by Renu Englehart

Ayes: Corenthal, Donegan, Englehart, Schwager

Motion carried 4 – 0 with Zarrella absent at the moment

Returned to Item (6) Unfinished Business

(8) Public Comments (30 minute time limit)

None

(9) Council Comments

None

Motion to go into Executive Session per RIGL 42-46-5 (a) (2) pertaining to litigation as listed on the agenda regarding cases as set forth on agenda, and remain in Executive Session per RIGL 42-

46-5 (a) (2) to discuss litigation in particular and legal fees from Whelan, Corrente, Flanders, Kinder & Siket LLP made by Renu Englehart, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(10) Executive Session

(a) Closed pursuant to RIGL 42-46-5 (a) (2) pertaining to litigation regarding:

- Perry, et al., v. East Greenwich, 1:18-cv-00134-W ES-LDA (FLSA litigation);
- Gorman v. East Greenwich, KC-2017-1160;
- Aveyard v. East Greenwich, KC-2017-1304;
- East Greenwich v. IAFF Local 3328, KC-2017-1276;
- Grady v. Dykeman, KC-2018-0991;
- Perry v. East Greenwich, KC-2018-1214;
- Perry v. East Greenwich, KC-2017-1274;
- Perry v. East Greenwich, KC-2018-0830;
- Unfair Labor Practice Complaint ULP-6217;
- Unfair Labor Practice Complaint ULP-6220;
- Unfair Labor Practice Complaint ULP-6226;
- AAA Case 01-18-0002-6263 (arbitration re failure to fill Chief Clerk position); and
- AAA Case 01-18-0003--9032 (arbitration re Robert Warner termination)
- AAA Case 01-17-0005-5708 (L. Perry discipline)
- AAA Case 01-17-0006-7696 (L. Perry layoff)
- AAA Case 01-18-0000-6528 (L. Perry recall).

(b) Closed pursuant to RIGL 42-46-5 (a) (2) sessions pertaining to litigation to discuss legal fees from Whelan, Corrente, Flanders, Kinder & Siket LLP.

Following the Executive Session, Council reconvened into Open Session.

Action was taken on item (a) which will remain under seal. No action was taken on item (b).

Motion to seal the Executive Session minutes made by Michael Donegan, seconded by Renu Englehart

Ayes: Corenthal, Donegan, Englehart, Schwager

Motion carried 4 – 0

(11) Adjournment

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

Ayes: Corenthal, Donegan, Englehart, Schwager

Motion carried 4 – 0

Submitted By:

Dianne Potter
Deputy Town Clerk

Approved: (PENDING)

DRAFT