

MINUTES
Town Council
Town of East Greenwich
Regular Meeting
August 26, 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 Corenthal, Renu Englehart and Michael Zarrella

Town Staff: Joseph Duarte, Director of Public Works/Acting Town Manager; Leigh Carney, Town Clerk/Executive Assistant to the Town Manager; Wendy Schmidle, Director of Information Technology; Anthony Davey, Tax Assessor; Stephen Brown, Chief of Police; Stanley Cirella, Deputy Chief of Police

Others: Carole Malaga, Stenographer

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

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

There were no public comments.

(3) Public Hearing

- (a) Show Cause Hearing regarding Victualing License for Fire Heard, LLC d/b/a Feast Sandwich Company, 431 Main Street, East Greenwich, RI 02818

Assistant Solicitor Skwirz advised that an email was received from Mr. John Sepulveda, managing partner, stating he was not contesting the issue, and that the restaurant was closed and the LLC was being dissolved. The owner was not present and there were no public comments. It was noted that the prior restraining order filed in district court was lifted.

Motion to revoke the victualing license for Fire Heard, LLC d/b/a Feast Sandwich Company made by Michael Donegan, seconded by Michael Zarrella

VP Donegan commented on previous actions taken by the Town and the State to help the establishment stay open.

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) Request from Hill and Harbor Cigar Bar for seasonal expansion of alcoholic beverage license service area.

Assistant Solicitor Skwirz made a few points about outdoor service for this establishment. Liquor may only be served outside in conjunction with a meal. Proposed additional seating on the schematic puts the capacity over by 11 seats due to existing parking layout. He addressed concerns about the State statute regarding smoking bars and smoking outdoors. Discussion ensued on smoking regulations at the State and local level and parking allowances.

Michael Kent, owner, stated that the establishment does serve food as required by the Department of Health and the legal premises includes the outdoor patio. He disputed the notice by Police that serving alcohol outside was a violation noting that service is on the patio in front of their premises, not a sidewalk, which is 64' inside the property line. Furthermore, he added that outside service has been going on since the license was issued four years ago. He was not aware if zoning relief was ever provided for outdoor seating. The proximity of abutting properties and seating behind the restaurant were addressed. There was a lengthy discussion and debate about smoking outside, zoning capacity/violations/relief and parking. Mr. Kent was agreeable to reduce indoor seating by 11 seats to comply with current zoning requirements as far as parking was concerned. He disputed a reference made to minutes from 2014 which reflected that no smoking would be allowed outside. Assistant Solicitor Skwirz stated that relief is needed to allow for the expansion of service on the back patio but he was not aware of any previous conditions not to allow smoking outside. A full review of the business license will take place in three months during the renewal period. Assistant Solicitor Skwirz addressed concerns about Council's authority to address outdoor smoking which is not currently part of the zoning ordinance; however, a draft amendment to the zoning ordinance has been written for further consideration on smoking bars. This would require approval of the Zoning Board of Review and the issuance of a special use permit. Discussion continued on seating capacity and service area restrictions.

Motion to grant the request by Hill and Harbor Cigar Bar for seasonal expansion with the condition that they remove 11 seats to comply with zoning made by Michael Zarrella, seconded by Mark Schwager

Council discussion continued on seating and the enforcement of the State law on smoking outside as it relates to a smoking establishment. Assistant Solicitor Skwirz stated that Council would have the regulatory power to impose reasonable conditions upon the approval of a new license. Reference was made again to the 2014 minutes which excluded them from the outdoor sidewalk license requirement and outdoor smoking. Discussion continued on about imposing restrictions as part of the official motion, abutting properties and no police complaints over a four year period. The request is for seasonal expansion from May through October which is renewable each year. Mr. Kent noted that outdoor seating has been used in the back for approximately three years and in the front for four years. Chief Brown was not aware of any violations. Assistant Solicitor Skwirz clarified that although alcohol has been being served outside, the schematic on file did not show the additional seating and therefore, the applicant has come forward for formal approval to expand the service area. Discussion ensued on crafting a motion to grant approval with conditions, with another reference to the 2014 minutes. Brief discussion followed on the discrepancy between that motion and what the owner believed to be approved. Mr. Kent was concerned with delaying approval. He stated that approval was given for service in the front since day one with smoking. Discussion continued on enforcement, conditional approvals and researching previous

decisions to support existing uses for future consideration. There were additional concerns about smoking outdoors at any establishment.

Motion to amend the original motion to grant the request by Hill and Harbor Cigar Bar to approve the extension of liquor service area to the back patio and also to allow smoking made by Michael Zarrella

Assistant Solicitor Skwirz recommended that taking action on the front area can be addressed once more research is completed.

Town Clerk Carney added that schematics from the last two years did not include outdoor seating in the front of the back. Mr. Kent reiterated that alcohol service, food service and smoking have taken place since day one. Details on proposed seating from the original application were unavailable during the discussion. Final discussion centered on allowing service to continue status quo with a comprehensive review at renewal time.

Motion to extend the service area to the back with the same current conditions that are currently on the porch which will be determined at a later date with no enforcement on smoking until it is determined they have permission, allowing the business to remain open, with a condition to eliminate 11 seats by Michael Zarrella, seconded by Michael Donegan

There were no public comments.

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(4) Consent Calendar

- (a) Minutes from August 6, 2019 (Special Meeting - Open Session)
- (b) Minutes from August 13, 2019 (Regular Meeting - Open Session)
- (c) Recommendation from the Tax Assessor for abatements to the 2019 tax roll in the amount of \$22,340.98.
- (d) Application for Class F1 Alcoholic Beverage License for Varnum Continentals to hold a Member Dinner and Speaker Presentation at the Varnum Armory, 6 Main Street, on September 9, 2019.
- (e) Award of bid to R.B. Allen Company for Fire Alarm Radio Boxes as provided in the response dated November 2018, with authorization for the Finance Director to advance funds from the General Fund's unassigned fund balance, for purposes specified in the recommendation to award this contract, to be reimbursed upon the issuance of \$2,700,000 Capital Improvement Bond proceeds.

- (f) Award of bid to Flood Ford of East Greenwich, 2545 South County Trail, East Greenwich, RI, 02818 for the purchase of Fleet Vehicles per enclosed tabulation sheet with authorization for the Finance Director to advance funds from the General Fund's unassigned fund balance, for purposes specified in the recommendation to award this contract, to be reimbursed upon the issuance of \$2,700,000 Capital Improvement Bond proceeds.
- (g) Award of bid to Coastal International Trucks, LLC, 17 O'Keefe Lane, Warwick, RI, 02888 for the purchase of two (2) 5 to 7 Yard Dump Trucks in the amount of \$111,945.38 each, with authorization for the Finance Director to advance funds from the General Fund's unassigned fund balance, for purposes specified in the recommendation to award this contract, to be reimbursed upon the issuance of \$2,700,000 Capital Improvement Bond proceeds.
- (h) Award of bid to C.N. Wood Company, 200 Merrimac Street, Woburn, MA 01801 for the purchase of a Street Sweeper in an amount of \$162,631.00, with authorization for the Finance Director to advance funds from the General Fund's unassigned fund balance, for purposes specified in the recommendation to award this contract, to be reimbursed upon the issuance of \$2,700,000 Capital Improvement Bond proceeds.
- (i) Re-appointment of Barry Golden to the Zoning Board of Review as an alternate member for a one year term to expire July 1, 2020.
- (j) Re-appointment of Brian Warburton to the Juvenile Hearing Board as a regular member to fill a vacancy for the remainder of a three year term to expire December 1, 2020.

Motion to continue Item 4b made by Michael Donegan, seconded by Caryn Corenthall

Ayes: Corenthall, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

President Schwager thanked board members for their service.

Motion to approve the Consent Calendar (less Item 4b) made by Michael Zarrella, Michael Donegan

Ayes: Corenthall, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(5) Unfinished Business (Discussion/Action)

- (a) 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" (THIRD

READING).

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) ORDINANCE to amend the Code of the Town of East Greenwich, Chapter 100 thereof, entitled "Fire prevention, inspection and investigation", adding Article II "Connection of fire alarms to municipal systems", Section 100-2 "Connection of fire alarms to municipal systems (THIRD READING).

Motion to approve made by Renu Englehart, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(6) New Business (Discussion/Action)

- (a) Appointment of an alternate member to the Juvenile Hearing Board to fill a vacancy for a one year term to expire December 1, 2019 and subsequently re-appointment for a one year term to expire December 1, 2020.

Motion to appoint Robert Siminksi as an alternate member to the Juvenile Hearing Board to fill a vacancy for a one year term to expire December 1, 2019 and subsequently re-appointment for a one year term to expire December 1, 2020 made by Renu Englehart, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) Appointment of regular member to the Affordable Housing Commission to fill a vacancy for a two year term to expire August 25, 2020.

Motion to appoint Matthew Renninger as a regular member to the Affordable Housing Commission to fill a vacancy for a two year term to expire August 25, 2020 made by Mark Schwager, seconded by Caryn Corenthal

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(7) Public Comments (30 minute time limit)

Robert Vespia of Shippeetown Road commented that the construction on Shippeetown Road is still an issue and could be problematic for buses. He requested that Councilors use their microphones.

(8) Council Comments

President Schwager commented that the Council will officially recognize Mr. Duarte for his service to the Town at the next meeting. He acknowledged Mr. Duarte's strengths during his tenure as Acting Town Manager and thanked him for service.

VP Donegan commented on Mr. Duarte's depth of knowledge, commitment and reliability.

Councilor Englehart thanked Mr. Duarte for his kindness and acceptance.

Councilor Corenthal thanked Mr. Duarte for his support, kindness and respect.

Councilor Zarrella acknowledged Mr. Duarte's time commitment and requested that consideration for 3 extra vacation days be added to the agenda on September 9th.

Councilor Corenthal addressed several issues related to critical social media posts.

(9) Adjournment

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Submitted By:



Leigh A. Carney, CMC
Town Clerk

Approved By Town Council:
(PENDING)