

MINUTES  
Town Council  
Town of East Greenwich  
Regular Meeting  
August 13, 2019 at 6:00 PM  
Town Hall, 125 Main Street, East Greenwich, RI 02818

(1) 6:00 PM ~ Call to Order

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

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

President Schwager called the meeting to order at 6:06pm.

(2) Interviews for Boards and Commissions

(a) 6:00 PM - Barry Golden for Zoning Board of Review

Mr. Golden was interviewed.

(b) 6:15 PM ~ Robert Siminski for Juvenile Hearing Board

Mr. Siminski was interviewed.

(c) 6:30 PM ~ Matthew Renninger for Planning Board/Affordable Housing Commission

Mr. Renninger was interviewed.

(d) 6:45 PM ~ Brian Warburton for Juvenile Hearing Board

Mr. Warburton 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, Director of Public Works/Acting Town Manager; Leigh Carney, Town Clerk; Andrew Teitz, Town Solicitor; Wendy Schmidle, Director of Information Technology; Col. Stephen Brown, Chief of Police; Lisa Bourbonnais, Director of Planning; Capt. Thomas Mears; Ernest Marinaro, Building Official; Steve Hughes, Fire Marshal; Aaron Lindo, Planning Technician

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

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

None

(5) Acknowledgements

- (a) Commendation for Olin Thompson for serving three years on the Juvenile Hearing Board
- (b) Commendation for Patrolman Christopher Rafferty for actions taken on May 30, 2019
- (c) Commendation for American Legion Post #15 celebrating 100th anniversary

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Mr. Thompson was unable to attend. Ms. Carney presented the commendation to the American Legion during an event on August 4, 2019.

Chief Brown provided details on the actions Patrolman Rafferty took in May and presented him with a Level II Commendation. He verbally recognized the following officers for their actions: Lt. Brian Clement, Lt. Robert Siple, Detective Sergeant Glen Terilli, Sergeant Christopher Callan, Detective David Black, Patrolman Paul Nahrgang, SRO Bert Montalban, Patrolman Matt Larsson and Dispatcher James Aveyard.

Councilor Zarrella recognized the service of Mr. Olin Thompson and wished him a happy birthday.

(6) Public Hearing

- (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" (SECOND READING/PUBLIC HEARING).

President Schwager explained that this amendment will provide for a 50% reduction on the value of a vehicle which has been modified for persons with disabilities. Mr. Ken Sebesta and his son Leif were present and thanked Council for their consideration in this matter.

Motion to close the Public Hearing and move to third reading made by Renu Englehart, seconded by Michael Donegan

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 (SECOND READING/PUBLIC HEARING).

There were no public comments.

President Schwager provided a brief overview of the amendments to be considered. VP Donegan added that Chief Patenaude did provide information to support the \$500.00 fee.

Motion to close the Public Hearing and schedule for third reading made by Michael Zarrella, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(7) Consent Calendar

- (a) Minutes from May 21, 2019 (Joint Meeting w/Cove Commission - Open Session)
- (b) Minutes from June 24, 2019 (Regular Meeting - Open Session)
- (c) Minutes from July 8, 2019 (Regular Meeting ~ Open Session)
- (d) Minutes July 22, 2019 (Regular Meeting - Open Session)
- (e) Minutes from July 29, 2019 (Special Meeting ~ Open Session)
- (f) Award of bid for the Municipal Tennis Court reconstruction to Cardi Corporation for a net price of \$169,950, 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 \$3,000,000 Capital Improvement Bond proceeds.
- (g) Award of bid for the purchase and installation of outdoor fitness equipment at the Fry Brook Recreation Park to Kingstown Service Company in the amount of \$119,800, with authorization that \$119,800 be advanced from the Recreation Impact Fees, for the subject equipment, with partial funding of \$77,600 be reimbursed from the State Open Space and Recreation Grant upon receipt.

Motion to approve the Consent Calendar made by Michael Zarrella, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(8) New Business (Discussion/Action)

- (a) ORDINANCE to amend the Code of the Town of East Greenwich, Chapter 212 thereof, entitled "Solid Waste Management", to ADD Article VI "Reusable Carryout Bags" (FIRST READING/INTRODUCTION).

President Schwager introduced the ordinance. Solicitor Teitz noted that the proposed draft is similar to the Town of Barrington's adopted ordinance. This was brought forward due to the General Assembly not passing legislation at the State level.

Motion to accept and move to second reading/public hearing made by Michael Zarrella, seconded by Michael Donegan

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (b) Resolution reassigning the administration of Municipal Court from the Police Department to the Town Clerk's Department

Mr. Duarte explained that prior administration had moved the clerical functions of municipal court to the police department. This resolution will reverse those actions.

Judge David Bazar spoke in support of the reassignment and the return of full jurisdiction to the Town. Discussion ensued on the scope of services provided by the court, State law and actions of prior administration. Ms. Schmidle addressed costs to implement new software. Financials and State statutes were briefly discussed. Solicitor Teitz addressed the context of the MOA between the Town and the NEARI union which moved a clerical position from DPW to the Town Clerk's office to fill the Municipal Court Clerk position.

Motion to approve the resolution reassigning the administration of Municipal Court from the Police Department to the Town Clerk's Department made by Michael Donegan, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (c) Approval of Acting Town Manager's recommendation to consolidate the Executive Assistant to the Town Manager position with the Town Clerk as approved by the Personnel Board on August 5, 2019.

Mr. Duarte spoke in support of the consolidation. Discussion ensued on the Personnel Board's recommendation.

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

Council comments followed.

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (d) Approval of Standard Pay Schedule for Appointive Offices and Positions as approved by Personnel Board on August 5, 2019.

Mr. Duarte explained the modifications between the prior schedule approved in May 2018 and the one being presented. All changes are incorporated into the existing budget and should be reviewed annually.

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

- (e) Discussion on implementation of e-Permitting and annual renewal of alcoholic beverage licenses/victualing, etc.

Mr. Duarte introduced the item and acknowledged staff members who have been involved in the process to date. He noted that Director Schmidle has not had an opportunity to vet the implementation and that Ms. Carney is ultimately responsible for licensing. He deferred to Solicitor Teitz for further comments.

Solicitor Teitz acknowledged that there are two separate issues; e-Permitting and implementation. He recognized Council's concerns with the lack of accuracy and control in licensing and proposed scheduling a series of meetings in October to allow time for a comprehensive review of all licenses up for renewal. Reference was made to the supporting document showing various capacity numbers, minus parking which typically dictates capacity based on the Zoning Board's decision. Establishments with the highest requested capacity could be reviewed initially during the renewal process once reliable data is collected.

VP Donegan addressed the relationship between the Council and the Zoning Board. Information on zoning and parking shall now be required with all applications to ensure legal compliance. Councilor Englehart discussed capacity numbers, variances and enforcement with Director Bourbonnais. Fire Marshal Hughes explained how he calculates building capacity and addressed enclosed/open outdoor seating. Discussion ensued on calculating and comparing various capacities and enforcement. Mr. Marinaro noted that reviewing scaled floor plans allows him to determine legal capacity. Director Schmidle addressed the implementation of e-Permitting and concerns with building workflows and integrating with other State agencies. She recommended using the existing process for renewals this year and phasing in automation over the next year. Mr. Marinaro recommended collecting data on paper this year and uploading into the

software to create a record. Discussion continued on different options to start implementing the automated process and prioritizing amongst other departments with existing projects. Solicitor Teitz recommended workshops with applicants to review files and validate the integrity of data. Director Bourbonnais added that a review of ordinances is necessary. Lengthy discussion ensued on managing the project and the inclusion of the new Town Manager to direct staff accordingly. Solicitor Teitz recommended spending time on substance rather than the new process. Director Schmidle addressed issues regarding what it will take to get the program off the ground; leaving administrative duties to staff and policy decisions with Council. An existing template exists which requires tweaking but can be used to test the environment prior to public roll-out. Ms. Carney spoke in support of using the program internally to establish best practices prior to going public. Solicitor Teitz addressed concerns with how to handle existing violations such as additional parking allowances, issuing a six month license with review and working case by case. Additional discussion followed on parking compliance which Director Bourbonnais estimated eight out of forty four alcoholic beverage license holders are potentially out of compliance and another nine to ten are close. Mr. Marinaro interjected that establishments that do not present adequate parking plans shall go before the Zoning Board. Renewal packets to licensees should include a specific checklist to follow prior to submitting their applications. Applicants will be required to submit PDF's electronically. Ms. Carney and Ms. Schmidle were asked to explore the renewal process with other communities and report back to Council on the possibility of implementation during this licensing cycle. Ms. Carney agreed to report back on September 9<sup>th</sup> with a plan including timing and resources necessary for this cycle as well as next year's cycle, including time to educate license holders.

Motion to continue to September 9<sup>th</sup> for a report by the Town Clerk made by Michael Donegan, seconded by Michael Zarrella

Ms. Schmidle offered to demo ViewPoint.

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(9) Public Comments (30 minute time limit)

Joe Gillis of Maplewood Drive commented he is an abutter to the Phillip Ryan project being heard by the State Housing Appeal Board (SHAB) and was looking for the minutes from the most recent hearing. Solicitor Teitz advised that the Board overturned the decision of the Planning Board. The transcript is available from the Town Clerk. Council can take further action after a written decision is made with 30 days to appeal.

(10) Council Comments

VP Donegan thanked staff for working on the e-Permitting and license capacity issues.

Councilor Englehart thanked Mr. Duarte and Ms. Carney for working long hours.



Motion to convene into Executive Session per RIGL 42-46-5 (a) (2) and (5) for approval of Executive Session minutes from June 24, July 8, July 22 and July 29, 2019; remain in Executive Session per RIGL 42-46-5 (a) (2) pertaining to collective bargaining for discussion related to proposed Memorandums of Agreement between the Town and IAFF Local 3328 regarding lateral transfers and staffing of lieutenants; remain in Executive Session per RIGL 42-46-5 (a) (2) pertaining to potential litigation regarding Crompton Meadows and remain in Executive Session per RIGL 42-46-5 (a) (2) pertaining to litigation regarding State Housing Appeals Board - Appeal of Phillip Ryan Homes (Coggeshall Preserve) v. East Greenwich Planning Board made by Michael Donegan, seconded by Michael Zarrella

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(11) Executive Session

- (a) Closed pursuant to RIGL 42-46-5 (a) (2) and (5) for approval of Executive Session minutes from June 24, July 8, July 22 and July 29, 2019.
- (b) Closed pursuant to RIGL 42-46-5 (a) (2) pertaining to collective bargaining for discussion related to proposed Memorandums of Agreement between the Town and IAFF Local 3328 regarding lateral transfers and staffing of lieutenants.
- (c) Closed pursuant to RIGL 42-46-5 (a) (2) pertaining to potential litigation regarding Crompton Meadows.
- (d) Closed pursuant to RIGL 42-46-5 (a) (2) pertaining to litigation regarding State Housing Appeals Board - Appeal of Phillip Ryan Homes (Coggeshall Preserve) v. East Greenwich Planning Board.

Following the Executive Session, Council reconvened into Open Session.

Action was taken on item (a) to approve the Executive Session minutes. Action was taken on item (b) to approve both MOA's. Action was taken on item (c) which will remain under seal. No action taken on item (d).

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

(12) Adjournment

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

Ayes: Corenthal, Donegan, Englehart, Schwager, Zarrella

Motion carried 5 – 0

Submitted By:



Leigh A. Carney, CMC  
Town Clerk

Approved By Town Council:  
(PENDING)

**AUDIO FILE AVAILABLE IN TOWN CLERK'S OFFICE**

DRAFT