

MINUTES
Town Council
Town of East Greenwich
Regular Meeting
April 23, 2018 at 6:00 PM
Town Hall, 125 Main Street, East Greenwich, RI 02818

(1) Call to Order

President Cienki called the Town Council meeting to order at 6:00pm.

(2) 6:00 PM Joint Meeting with Ad Hoc Town Manager Search Advisory Board

Town Council (5/5): Suzanne Cienki, Sean Todd, Andrew Deutsch, Nino Granatiero and Mark Schwager

While the meeting was noticed for an Ad Hoc Town Manager Search Advisory Board meeting (and joint session with the Council), the lack of quorum for the Advisory Board resulted in the members present being invited guests of the Council in its Executive Session.

Ad Hoc Town Manager Search Advisory Board (3/6): John (Jack) Yena, Allen Gammons, Charles (Chad) Callanan ***NO QUORUM***

Town Staff: David D'Agostino, Esq., Leigh Carney

(3) Ad Hoc Town Manager Search Advisory Board Minutes

- (a) Approval of meeting minutes from April 14, 2018 (open and closed sessions).

Item was tabled due to lack of quorum.

(4) Executive Session

- (a) Closed pursuant to RIGL 42-46-5 (a) (1), to discuss the job performance, character, or physical or mental health of a person or persons related to interviews for the Town Manager's position, provided such person or persons shall have been notified in advance in writing that they may require the discussion to be at an open meeting.

Motion to convene into Executive Session pursuant to RIGL 42-46-5 (a) (1) to discuss the job performance, character, or physical or mental health of a person or persons related to applications received for the Town Manager's position made by Nino Granatiero, seconded by Mark Schwager

Ayes: Cienki, Granatiero, Schwager

Motion Carried 3 – 0

(Councilor Deutsch and VP Todd arrived 6:07pm).

Motion to reconvene to Open Session to vote to seal the Executive Session minutes pursuant to RIGL 42-46-4 (b) made by Sean Todd, seconded by Andrew Deutsch

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

(5) 7:00 PM Open Session and Pledge of Allegiance to the American Flag

Town Council (5/5): S. Cienki, S. Todd, A. Deutsch, N. Granatiero and M. Schwager

Town Staff: G. Corrigan, L. Carney, D. D'Agostino, S. Brown, S. Cirella, A. Davey, K. Robinson

At 7:04pm, President Cienki led the assembly in the Pledge of Allegiance to the American Flag.

(6) Town Council Minutes

- (a) Approval/revisions to Executive Session minutes from December 4, 2017; disclosure of vote(s).

Motion to approve made by Sean Todd, seconded by Andrew Deutsch

There were no revisions or amendments.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

Moved to Item 7a

Following the vote on Item 7a, a motion to release the vote taken in executive session on December 4, 2017, concerning authority to file the firefighter declaratory judgment action and to engage in effects negotiations concerning the fire department platoon re-organization, while leaving the remainder of the December 4, 2017, executive session meeting under seal. The vote is disclosed pursuant to Section 42-46-4 (b) of the Rhode Island General Laws was made by Andrew Deutsch, seconded by Sean Todd

Solicitor D'Agostino read the motion aloud which said "A motion to authorize the Declaratory Judgement action discussed and to also begin the effect bargaining made by VP Todd, seconded by Councilor Deutsch. President Cienki, VP Todd, Councilor Deutsch and Councilor Granatiero voted aye and Councilor Schwager voted nay. The motion carried 4-1.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

(7) Public Hearing

- (a) Transfer application for a Class BV Alcoholic Beverage License with Victualing and Entertainment from Beso's Kitchen and Cocktails d/b/a Besos Kitchen and Cocktails to TMG Main Street Holdings d/b/a Beso's Kitchen and Cocktails 378 Main Street

Attorney Christopher Mulhearn represented TMG Main Street Holdings, LLC, the proposed transferee, and was accompanied by Thomas J. Martucci, the sole principle. He provided details

on Mr. Martucci's restaurant experience and explained that all administrative actions have been addressed related to the request for transfer. Council had no questions. There were no public comments.

Motion to approve made by Sean Todd, seconded by Andrew Deutsch

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

Following the vote, Council returned to Item 6a at the request of Solicitor D'Agostino.

(8) Consent Calendar

- (a) Application for Class F Alcoholic Beverage License by Leah Decesare, organizer, for a fundraiser event - Kompala Children's Center for Hope being held on May 10, 2018 at the Varnum Armory
- (b) Application for Class F Alcoholic Beverage License for Saint Elizabeth Home, Rock and Soul Concert being held June 1st at Saint Luke's Church Peirce Street.
- (c) Authorize Rise Engineering to replace the lighting at the Waste Water treatment Facility with energy efficient lights.

Motion to approve the Consent Calendar made by Sean Todd, seconded by Mark Schwager

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 - 0

(9) New Business (Discussion/Action)

- (a) Presentation of Audit FY 2017

President Cienki reported that the audit is available on State website; however, the Auditor was not available to present it so it will be rescheduled and presented during a joint meeting with the School Committee. She deferred to the Town Manager to provide highlights.

Town Manager Corrigan provided a brief overview, focusing on three aspects: statement of net position (page 7), combined surplus or deficit (pages 9, 11 and 117) and unassigned fund balance (pages 16, 46, 116).

Discussion ensued on bond ratings, reporting of the Fire District impact fee settlement, school surpluses, deficits and Town allocations.

- (b) Ratification of May 2017 MOA between Town of East Greenwich and NEARI concerning exempt classification change, original MOA executed by Mr. Clarkin on May 4, 2017.

Motion to ratify made by Sean Todd, seconded by Nino Granatiero

Solicitor D'Agostino explained there is no record of the MOA being brought before the Council giving the former solicitor the authority to execute the document for approval.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

- (c) Ratification of MOA between Town of East Greenwich and NEARI concerning proposed April 2018 reclassification change, contract extension, and stipend payment.

Item was tabled.

- (d) Sewer Assessment waiver/abatement for Howland Road parcel, following merger and September 2016 litigation settlement terms.

Motion to approve made by Sean Todd, seconded by Andrew Deutsch

Solicitor D'Agostino provided some history on the abatement related to a sewer assessment on an un-buildable lot that was merged with another lot.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

- (e) Consideration of the Fire Department reorganization plan discussed at the April 9, 2018 Council meeting, including Council vote to authorize action thereon.

Motion to accept the recommendations of the Town Manager to reorganize the Fire Department from its current 4-platoon/42-hour workweek structure to a 3-platoon/56-hour workweek structure, which this Council received through the Town Manager's report and discussed at our meeting on April 9, 2018; provided, however, we will hold in abeyance the implementation of the reorganization pending a decision on the current motion for judgment on the pleadings scheduled to be heard by the Rhode Island Superior Court on May 14, 2018, or until further action by this Council made by Sean Todd, seconded by Nino Granatiero

Solicitor D'Agostino provided an overview and an update on the status of the litigation the Town has filed in Superior Court. A response is expected on May 14th. The intent of this action is to hold the re-organization plan in abeyance until the court makes its decision. Following the motion, there was further discussion about the purpose of the motion and Council's ability to reorganize and/or implement any of the changes recommended by the Town Manager. Town Manager Corrigan indicated that a preliminary financial impact analysis has been done; however, its completion is hanging on Judge McGuirl's decision. Additionally, a staffing model based on IOD's and the Council's final vote to implement would affect the financial impact. Councilor Schwager commented on why he is unable to support the motion based on the strategy, tactics and risk associated with it. President Cienki commented on the fiscal responsibilities the Town is facing.

Ayes: Cienki, Deutsch, Granatiero, Todd

Nays: Schwager

(10) Public Comments (30 minute time limit)

Eric Jautaikis, 184 Hemlock Drive, commented on the proposed fire department platoon restructuring. He disseminated a chart (Exhibit A) that compared hours of work for a 4 platoon schedule versus a 3 platoon schedule. He was concerned with the potential risks of sleep deprivation and the impression that fiscal relief was more important than safety.

Robert Vespia, 155 Shippeetown Road, disputed last year's tax break.

Eric Kaldor, 525 Stone Ridge Drive, requested that any financial impact statements related to the fire department reorganization are made available to the public in advance of meetings. He was concerned about new ways overtime could be created with a restructuring.

David Caldwell, 8 Aurora Road, expressed his frustration with Council on many levels. He disputed the Town Manager's proposal to reorganize the Fire Department and encouraged residents to participate in the upcoming election in November.

Caryn Corenthall, 5 Brookfield Court, disputed some of the comments made by Town Manager Corrigan related to the audit. She remained concerned about Council's intent to reduce costs within the Fire Department without concern for rising legal fees. She questioned accounting practices for billable legal services still pending.

Elizabeth McNamara, 18 Prospect Street, received a brief update on the Town Manager search which remains confidential.

William Perry, 5 Pardon Woods Lane, voiced his concern about the Council versus the Town Manager's intent to reorganize the Fire Department. Discussion ensued with President Cienki. Mr. Perry questioned Council's due diligence prior to voting for a 56 hour workweek and filing litigation. He commented on impending legal bills. President Cienki replied that Council was always willing to sit down to negotiate. Mr. Perry spoke about a fire call on Main Street and firefighter safety.

(11) Council Comments

VP Todd commented that the vote taken for the 3 platoon, 56 hour workweek was the most common structure in America.

President Cienki commented on concerns related to firefighters out of work due to injuries and budgeting for FY 2019.

(12) Executive Session

- (a) Closed pursuant to RIGL 42-46-5 (a)(1) to discuss the job performance, character, or physical or mental health of a person or persons in the employ of the Town, provided such person or persons affected shall have been notified in advance in writing that they may require the discussion to be held at an open meeting.
- (b) Closed pursuant to RIGL 42-46-5 (a)(5), discussions or considerations related to the

acquisition or lease of real property for public purposes, or the disposition of publicly held property wherein advance public information would be detrimental to the interest of the public.

- (c) Closed pursuant to RIGL 42-46-5 (a)(2), sessions pertaining to collective bargaining or litigation, specifically to discuss on going labor relations matters concerning East Greenwich Firefighters Local 3328, IAFF.
- (d) Closed pursuant to RIGL 42-46-5 (a)(2), sessions pertaining to collective bargaining or litigation, specifically, to discuss the matter, East Greenwich v. IAFF Local 3328, KC 2017-1276.

Motion to reconvene to Open Session and seal the Executive Session minutes made by Sean Todd, seconded by Andrew Deutsch

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

Motion to go into Executive Session per RIGL 42-46-5 (a) (1) (2) and (5) made by Sean Todd, seconded by Andrew Deutsch

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

(13) Adjournment

Motion to adjourn at 10:05 PM made by Sean Todd, seconded by Andrew Deutsch

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried 5 – 0

Submitted By:

Leigh A. Carney, CMC
Town Clerk

Approved By Town Council:

(PENDING)