

AGENDA
Town Council
Town of East Greenwich
Regular Meeting
August 7, 2017 at 7:00 PM
Swift Community Center, 121 Peirce Street, East Greenwich, RI 02818

(Any matter listed on this agenda is subject to a vote by the Town Council.)

- (1) Call to Order and Pledge of Allegiance to the American Flag
- (2) Town Council Minutes
 - (a) June 12, 2017 (Regular and Executive Sessions)
- (3) Reports and Communications
- (4) Consent Calendar
 - (a) Abatement of Police Detail Fees for Dogs on Main Stroll, June 22, 2017, in the amount of \$365.28.
- (5) Unfinished Business
 - (a) Review of Town Council Rules and Guidelines
- (6) New Business
 - (a) Appointment to the Affordable Housing Commission for a three-year term to expire August 7, 2020.
 - (b) Resolution authorizing the transfer of the unexpended balance of Capital Appropriations made in prior FY 2017 to be applied in the current FY 2018.
 - (c) An ordinance to amend the Code of the Town of East Greenwich, Chapter 15 Alcoholic Beverages, Section 15-4 to extend the time employees shall leave the licensed premises after the legal closing hour and to add the requirement for filing a certificate of insurance and maintaining general liability insurance (FIRST READING AND INTRODUCTION).
 - (d) Discussion regarding valet services
 - (e) Discussion regarding claims processing policy
 - (f) Discussion regarding Social Media Policy
- (7) Town Manager's Report
- (8) Council Comments

(9) Public Comments (15 minute time limit)

(10) Executive Session

Posted August 4, 2017 in accordance with RIGL 42-46-6 at EG Town Hall, EG Library, Swift Community Center, EG Town Website and Secretary of State website. Individuals requesting interpreter services for the hearing impaired must notify the Town Clerk's office at (401) 886-8604 via RI Relay #711 (800-745-5555 TTY) or in writing, at least forty-eight (48) hours in advance of the hearing date

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **8/7/2017**

1. Agenda item (List as it should appear on the agenda)
June 12, 2017 (Regular and Executive Sessions)
2. Submitted by (List department and individual, if necessary)
Town Clerk
3. Provide a brief description of the item and why it is on the agenda
Draft minutes require Council's approval
4. Contact person and phone number for questions
Leigh Carney 401-886-8604

ATTACHMENTS:

Description	Type
<input type="checkbox"/> DRAFT Minutes	Minutes

MINUTES
Town Council
Town of East Greenwich
Regular Session
June 12, 2017 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): S. Cienki, S. Todd, A. Deutsch, N. Granatiero, M. Schwager

Town Staff: T. Coyle, III, L. Carney, K. Benoit, J. Duarte, C. Bradley, L. Bourbonnais, D. D'Agostino, S. Brown, S. Cirella, R. McGillivray

Others: M. Donegan

President Cienki called the meeting to order at 7:03pm and led the assembly in the Pledge of Allegiance to the American Flag.

(2) Acknowledgements

(a) Nickolai Dieploltz for attaining the rank of Eagle Scout

(b) Colby Anderson for promoting school safety

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

Nickolai Dieploltz received his commendation at his Eagle Court of Honor on June 11.

Colby Anderson was congratulated by Council.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

(3) Town Council Minutes

None

(4) Reports and Communications

(a) Public Comment (15-minute time limit for items NOT on the agenda)

Pamela Gencarella, 100 Tipping Rock Drive, voiced her concerns about the intent of the affordable housing piece of the Comprehensive Plan, specifically the references to the percentage of LMI housing goals. She referenced a supreme court case between Narragansett Electric and the Town of East Greenwich. She asked that the zoning ordinance be amended to allow for the percentages to revert back to 10% once that goal is met. Other concerns were the accelerated rate of build out and rezoning of the north quadrant which could impact the tax base. She asked if tax stabilization agreements or waivers from the tax levy cap were an option to which President Cienki replied no. She was also concerned about waiving impact fees and the percentage of the average median income. She asked Council to review it carefully and make sure the intention is clearly stated.

Caren Corenthal, 5 Brookfield Court, said how disappointed and appalled she was at the last meeting because there was no time given for public comments and no response from the Town after the presentation given by Providence Analytics.

Carla Vargas, an employee at Frank and John's, voiced her concerns about valet parking on Main Street and customers complaining about the aggressive attitudes of parking attendants. She submitted a petition signed by customers asking for support from the Police to regulate the use of public parking spaces. VP Todd asked the Town Manager to set up another meeting with the valet company.

Robert Vespia, Shippeetown Road, asked about the term of the school's \$3.4 million contract which covers 2017 - 2019. He was concerned that the last audit did not show any issues, his suggestion to plan for the end of an agreement with Warwick Fire was overlooked and the lack of transparency and the sharing of results on legal cases.

Lisa Verducci of Valet Connection noted there are two new managers on Main Street and she disputed some of the previous comments made by Ms. Vargas. She is willing to meet again, train employees and plan for what is best for the Town and all the patrons. The meeting should include restaurant owners.

(b) April 2017 Finance Reports

Ms. Benoit reported on the financial highlights from April 2017. Departmental expenditures that are over-budgeted were explained.

(5) Public Hearing

None

(6) Consent Calendar

None

(7) Unfinished Business

- (a) An ORDINANCE in amendment of the Code of the Town of East Greenwich, Chapter 260, Zoning adopted July 25, 2000 as amended, to replace Article XVII, Affordable Housing, Sections 98 through 101 in their entirety and adding Sections 101.1 and 101.2 (THIRD READING).

Motion to approve the ordinance made by Andrew Deutsch, seconded by Mark Schwager.

Ms. Bourbonnais provided a recap of what was presented at the last meeting. She explained that the housing part of the Comprehensive Plan was farmed out to Rhode Island Housing by the State Division of Planning which is where the theoretical percentages came from. Percentages can be scaled back in the future amendment if too burdensome. The process of doing the contrasting build out analysis was also explained. Impact fees are still being waived. The number of proposed affordable units in the northwest quadrant will be revisited. The amendment defines the area median income as at or below 120 percent as per State law.

A lengthy discussion followed on the likelihood of meeting the full ten percent over the next ten years, waiving impact fees, economic impact on operations and infrastructure, maintaining control and budgeting based on state mandates, current impact fee analysis in progress, anticipated revenues and per unit expenses, benefits of local control and fiscal impact statements on affordable housing

projects.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

- (b) An ORDINANCE to amend the Charter and the Code of the Town of East Greenwich to strike and revise language throughout referring to the Financial Town Meeting which voters approved to eliminate at the November 2016 election (THIRD READING).

Motion to approve the ordinance made by Andrew Deutsch, seconded by Mark Schwager.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

- (8) New Business

- (a) An ORDINANCE in amendment of the Code of the Town of East Greenwich to ADD a new Chapter entitled "Fire Department" (FIRST READING AND INTRODUCTION).

Motion to approve and schedule for public hearing on June 26th made by Sean Todd, seconded by Andrew Deutsch.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

- (9) Town Manager's Report

None

- (10) Council Comments

Councilor Granatiero asked for Council's consideration on a documented operating system for the Town Manager to review financials with Department Heads including Dr. Mercurio; monthly open session to discuss communications; and ongoing communications with residents and how the transformation is progressing.

Councilor Schwager suggested visiting the strategic plans and revisit Council's priorities.

- (11) Public Comments (15 minute time limit)

Pamela Gencarella, 100 Tipping Rock Drive, suggested another amendment to the Zoning Ordinance including a statement that the goal is 10% and other percentages would roll back once that goal is met.

Judy Johnson, 2605 Division Road, voiced her frustration with not being able to hear during periods of discussion. She was concerned about high-density impact without knowing the total effects.

Robert Vespia, Shippeetown Road, asked for future clarification on how the One Town initiative will be done.

SallyAnne Lund, 37 Miss Fry Drive, submitted a petition from Westwood Farms residents opposing the proposed zone change required for a high density housing development.

Ms. Bourbonnais thanked Mr. Duarte and DPW for their expeditious work on the pipe that burst in her office. Also, she stated she was willing to meet and speak with anyone to explain and help understand land development issues.

(a) Petition Westwood Farms

(12) Executive Session

- (a) Closed pursuant to RIGL § 42-46-5 (a) (2), sessions pertaining to collective bargaining or litigation, specifically to discuss the status of Pawtucket Credit Union v. East Greenwich, KC-2017-0084 with Solicitor, including discussion of case handling strategy.
- (b) Closed pursuant to RIGL § 42-46-5 (a) (2), sessions pertaining to collective bargaining or litigation, specifically to discuss Zoning Code enforcement options, including potential legal action(s) with Solicitor.

Motion to go into Executive Session per RIGL 42-46-5 (a) (2) for sessions pertaining to collective bargaining or litigation made by Andrew Deutsch, seconded by Sean Todd.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

Motion to return to Open Session made by Sean Todd, seconded by Andrew Deutsch.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

Motion to seal the Executive Session minutes made by Sean Todd, seconded by Andrew Deutsch.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

Motion to adjourn made by Sean Todd, seconded by Andrew Deutsch.

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

Motion Carried

Submitted By:

Leigh A. Carney, CMC
Town Clerk

Approved By Town Council:

(Pending)

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **8/7/2017**

1. Agenda item (List as it should appear on the agenda)
Abatement of Police Detail Fees for Dogs on Main Stroll, June 22, 2017, in the amount of \$365.28.
2. Submitted by (List department and individual, if necessary)
Town Clerk
3. Provide a brief description of the item and why it is on the agenda
4. Contact person and phone number for questions
Leigh Carney 401-886-8604

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Invoice	Backup Material

EAST GREENWICH POLICE DEPARTMENT

176 First Avenue
401-886-8628
East Greenwich, RI 02818

Invoice For Details

EAST GREENWICH CHAMBER OF COMMERCE
Attention: *AMY MOORE*
580 MAIN ST
EAST GREENWICH, RI 02818

Today's Date	07/05/2017
Page	1 of 1
Billing Date	06/30/2017
Invoice #	17-63-DV
Total	365.28

Phone: 401-885-0020

PLEASE MAKE CHECK PAYABLE TO EAST GREENWICH POLICE DEPARTMENT

Name: Lieutenant ROBERT A SIPLE III						
Worked: 06/22/2017		Entered: 06/24/2017		Comments: DOG PARADE		
Hours: 4.00		Cost: 182.64		Admin Fee: 0.00	Other Fee: 0.00	Total: 182.64
Name: Patrol Officer HUMBERTO MONTALBAN						
Worked: 06/22/2017		Entered: 06/24/2017		Comments: DOG PARADE		
Hours: 4.00		Cost: 182.64		Admin Fee: 0.00	Other Fee: 0.00	Total: 182.64
All Charges For This Invoice		Cost: 365.28	Admin Fee: 0.00	Other Fee: 0.00		Total: 365.28

*Dog stroll in June: August 7
Agenda*

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **8/7/2017**

1. Agenda item (List as it should appear on the agenda)
Review of Town Council Rules and Guidelines
2. Submitted by (List department and individual, if necessary)
Town Clerk
3. Provide a brief description of the item and why it is on the agenda
Incorporated Council's suggestions from July 24, 2017.
4. Contact person and phone number for questions
Leigh Carney 401-886-8604

ATTACHMENTS:

Description	Type
<input type="checkbox"/> REVISED Rules and Guidelines	Backup Material

TOWN COUNCIL RULES AND GUIDELINES

1. The Council agenda shall be prepared by the Town Manager and the Town Clerk in a timely fashion with the final review and approval of the agenda by the Council President, or, in his/her absence, the Vice President. Any two members of Council may add items to the agenda.
2. All questions of order shall be decided by the presiding officer with the right of appeal to the Council as a body for a vote upon the request by any member.
3. Council and staff members shall keep matters that need to be discussed in executive session confidential.
4. Motions made at any session shall be presented in written format by the Clerk if so requested by any Council member.
5. Items on the Consent Calendar of the Agenda may be voted on by a single motion. However, items may be removed for separate action by request of any Council member.
6. It shall be the policy of this Council that anyone appearing before it shall be treated with respect and common courtesy and without discrimination. This applies to the public, employees, staff, and the Council itself.
7. The Council will only vote at meetings posted as Town Council Meetings or Special Town Council Meetings.
8. Members of the Council may contact department heads directly, but the Town Manager should be informed of the contact. Contact will be for information purposes.
9. The Town Manager shall undertake special projects or commit staff resources to research special projects only after the majority vote of the Council as a whole.
10. Contact with the Town Solicitor shall be coordinated by the Town Manager and/or Council President so that he/she is aware of the questions being presented to the Solicitor. The Town Manager shall then follow through to be sure that all the Council is informed of the response or recommendation of the Solicitor. In an effort to keep the Council informed, any communication with the Town Solicitor shall be relayed by the Solicitor to the Town Manager for distribution.
11. An opportunity will be provided in each meeting to allow for Public Comment. This time will be limited to no more than thirty (30) minutes; those wishing to comment will use a sign-in sheet available at the start of the meeting.~~near the beginning of each regular meeting for up to 15 minutes, with each individual limited to 5 minutes, to allow for Public Comment for items not on the agenda.~~ In accord with the RI Open Meetings Law Act, any item not on the agenda for which a collective discussion will take place may be added to the agenda for discussion only by an affirmative vote of the Council. When appropriate to an agenda item, the presiding officer may allow Public Comment on an item. ~~A public comment period of 15 minutes will be allowed at the end of the meeting, with each individual limited to 5 minutes.~~

12. Non-confidential mail or written communications received by Council members that relate to Town business or issues will be forwarded to the Town Manager's office for copying and/or email distribution to the entire Council.
13. A Council Reminder List will be maintained, reviewed, and updated regularly by the Town Manager with items of concern or consideration for the Council or items requiring follow up by staff. Any Council member can request to have items added to the list at any time at a Council meeting. Council will receive a copy on a periodic basis.
14. When a Council member is going to be unavailable for an extended period of time, the member will advise the Town Manager.
15. E-mail messages will be utilized to keep all Council members updated on issues or matters of interest.
16. As Council members are made aware of problems or concerns within the Town, the Town Manager will be notified either by e-mail or by leaving a phone message so that the matter can be addressed promptly.
17. Any claims or settlements of less than \$1,000 may be administered by the Town Manager. Claims settled by the Town Manager will be reported to the Council.
18. The Council will only consider applicants for appointment if they have a letter of interest (mail or electronic) on file stating their qualifications.
19. The Town Council remains committed to the enforcement of all applicable laws and regulations which prohibit discrimination.
20. When invited to a public function as a representative of the Town, the Town may pay for the cost for the Council member or Council member and guest.
21. Town Council Rules and Guidelines will automatically be placed on the agenda for review every January and July.
22. Any request for action/study to a board shall be made by a majority vote of the entire Council.
23. Messages and information posted to the Town website or press releases distributed to the media will require Council approval and a vote, provided said communications are ascribed to the "Town Council". All information must be presented to the entire Council before it goes to the press. This does not preclude emergency messages and information from being distributed through, or posted to, any Town website or email distribution list without Council approval if the circumstances of the emergency so require.
24. The Director of Finance will provide a monthly report on the Town's finances with an operational review, to include identification of fiscal issues needing immediate attention to avoid fiscal instability. Financial Reports will be presented monthly to the Council by the Finance Director.
25. At any public hearing, the presiding officer may establish time limits for individual speakers and may limit the number of times an individual may speak. The purpose of the limitations is to provide all members of the public with the opportunity to be heard at the public hearing.

- 26. When considering motions for expenditures that have not been budgeted, the Council shall indicate from which accounts funds shall be reallocated. The Town Manager shall provide a recommendation to the Council.**
- 27. Documents (ordinances, policies, resolutions or other documents and backup material) of substantial length or complexity shall be provided to Council members at least seven (7) days prior to the Council meeting at which the item will be on the agenda. If such documents have not been delivered at least seven (7) days prior to the Council meeting, then the item to which the documents relate shall not be put on the Council agenda, unless an emergency situation or other justifiable circumstances require delivery within a shorter time period.**

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **8/7/2017**

1. Agenda item (List as it should appear on the agenda)
Resolution authorizing the transfer of the unexpended balance of Capital Appropriations made in prior FY 2017 to be applied in the current FY 2018.
2. Submitted by (List department and individual, if necessary)
Town Clerk
3. Provide a brief description of the item and why it is on the agenda
4. Contact person and phone number for questions
Linda Dykeman 401-886-8609

ATTACHMENTS:

Description	Type
<input type="checkbox"/> DRAFT Resolution	Resolution

TOWN OF EAST GREENWICH

RESOLUTION

OF THE

TOWN COUNCIL

NO. _____

In the matter of Transfer of Capital Appropriations.

RESOLVED:

That the Town Council hereby authorizes the Transfer of the unexpended balance of Capital Appropriations made in the prior Fiscal Year (2017), to be applied in the current Fiscal Year (2018), for the purposes for which said prior appropriation was originally passed.

The list of said Capital Appropriations is attached hereto and incorporated herein by reference.

This Resolution is authorized by Charter provision, Section C-30.

PASSED AND ADOPTED this _____ day of August 2017.

APPROVED _____
Suzanne McGee Cienki, Council President

ATTEST _____
Leigh A. Carney, Town Clerk

PROJECT NAME	Capital Budget FY17	Expended FY17		Assigned Fund BalanceCapital FY18	Reassigned Fund Balance Capital FY18
Information Technology					
ASA 5510 Replacement	5,000.00	-		5,000.00	-
Novus Agenda	20,000.00	16,130.37		3,869.63	-
UB CIS Migration	10,000.00	-		10,000.00	-
Public Safety Radios	16,000.00	16,000.00		-	
Parks & Recreation Department					
Eldredge Courts Repair 12	15,000.00	-			15,000.00
HS Tennis Courts Repair	30,000.00	23,989.00		-	6,011.00
Turf & Field Groomer	15,000.00	15,105.34		-	(105.34)
Planning Deparment				-	-
Impact Fee Study	35,000.00	-		35,000.00	
Police Department					
Police Vehicles (2)	90,000.00	90,000.00		-	-
Public Works					
Ford 550 Utility Truck	60,000.00	58,467.55		-	
Tractor Mower Ford	135,000.00	131,882.15		-	
Payloader Tires	10,000.00	9,950.00		-	
Snow Plow 9' H6	10,000.00	7,255.00		-	
Court house Maintenance	30,000.00	30,000.00		-	
P&G Furnace/Hot Water Heater	9,000.00	3,975.00		-	
PD Valves/Backflow valve/sump pump	8,000.00	9,218.00		-	
Asphalt - Somerset signal & midlands	211,500.00	283,858.00			
Town Council Priorities					
Main St. Sidewalks	70,000.00	22,929.25		-	
Lighting (Year Round Lights)	9,000.00	1,626.90			
Right of Ways	4,000.00			4,000.00	
Mobile Dynamic Webpage	20,000.00	11,695.00		8,305.00	
Waterfront Plan	30,000.00			30,000.00	
Tree improvements	5,000.00				
Kiosks	3,000.00				
TOWN TOTAL	\$ 850,500	\$ 732,082		\$ 96,175	\$ 20,906 *

Reassign \$20,906 to Frenchtown tennis court repairs

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **8/7/2017**

1. Agenda item (List as it should appear on the agenda)
An ordinance to amend the Code of the Town of East Greenwich, Chapter 15 Alcoholic Beverages, Section 15-4 to extend the time employees shall leave the licensed premises after the legal closing hour and to add the requirement for filing a certificate of insurance and maintaining general liability insurance (FIRST READING AND INTRODUCTION).

2. Submitted by (List department and individual, if necessary)
Town Clerk

3. Provide a brief description of the item and why it is on the agenda
Restaurant owners have requested an extension of time to allow employees to stay one full hour after the legal closing time, instead of one half hour.

General Assembly passed S0373A related to insurance.

4. Contact person and phone number for questions
Leigh Carney 401-886-8604

ATTACHMENTS:

Description	Type
<input type="checkbox"/> DRAFT Ordinance	Ordinance

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF EAST GREENWICH, CHAPTER 15 THEREOF, ENTITLED "ALCOHOLIC BEVERAGES", SECTION 15-4, "LIQUOR LICENSE REGULATIONS."

The Town Council of the Town of East Greenwich hereby ordains:

Section 1. Section 15-4 of Chapter 15 Alcoholic Beverages, of the Code of the Town of East Greenwich, is hereby amended to extend the time in which employees shall leave the licensed premises after the legal closing time and to add the requirement of filing a certificate of insurance and maintaining general liability insurance as a condition:

§ 15-4 Liquor license regulations.

[Amended 4-26-1994 by Ord. No. 609; 8-11-1998 by Ord. No. 661]

A. The conditions and regulations for obtaining and maintaining a liquor license in the Town are as follows:

- (1) (9) All patrons shall leave the licensed premises not later than 20 minutes after 1:00 a.m. All employees shall leave the licensed premises within ~~1/2~~ one hour after the legal closing time. However, the owner, general managers and/or staff of any establishment may enter or be in a licensed establishment at any time for a legitimate business purpose; provided, however, that the owner or general managers obtain prior written approval from the Town Council or its designee, who shall notify the Police Department. Management and bona fide employees may not consume alcoholic beverages after the legal closing time nor before the legal opening time. No employee shall be allowed on the premises earlier than two hours before the legal opening time and, during this period, there shall be no consumption of alcoholic beverages. The Town Council or its designee may authorize additional hours for maintenance purposes upon written application and after conducting a hearing thereon. In the event of extenuating circumstances (emergency) that occur after the normal business hours, the licensee may request an extension of time for cleaning and/or maintenance purposes from the commanding officer on duty at the Police Department. Such extension, if granted, shall be for a specific time. No one, other than employees, on-duty police and enforcement personnel shall be admitted to the premises after the required closing time (1/2 hour after the legal closing time) nor before the legal opening time.

(31) Effective August 1, 2017, any applicant or holder of a retail license for the sale of alcoholic beverages, except for those holders of class F liquor licenses, to file a certificate of insurance and maintain commercial general liability insurance as a condition of holding a retail license. Insurance coverage shall be no less than three hundred thousand dollars (\$300,000).

Section 2. This ordinance shall become effective upon adoption.