

MINUTES
Town Council
Town of East Greenwich
Special Session
June 8, 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 Present (5/5): S. Cienki, S. Todd, A. Deutsch, N. Granatiero, M. Schwager

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

Others: C. Malaga

President Cienki called the meeting to order at 7:10pm and led the assembly in the Pledge of Allegiance to the American Flag.

(2) Public Hearing

- (a) 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 (SECOND READING).

Motion to approve and move the third reading on June 12th

There was no Council discussion or public comment.

Sean Todd/Andrew Deutsch/Motion Carried

Ayes: Cienki, Deutsch, Granatiero, Schwager, Todd

(3) Unfinished Business

- (a) FY 2018 Operating Budget

Motion to approve the budget of \$61,598,368

A motion was made to approve the budget of \$61,598,368 by Councilor Granatiero, seconded by VP Todd.

President Cienki called for discussion. Councilor Schwager asked for clarification on the ground rules for discussion since the process has changed from previous years.

President Cienki would accept comments on the motion only.

Councilor Schwager proposed that only discussion should take place and no vote since there has been no opportunity for Council to publicly review and discuss anything that has been presented in the last 72 hours including the Town Manager's budget, departmental budgets and the consultant's

report, all of which dramatically reconfigure the budget. He asked Solicitor D'Agostino for an opinion on what would happen if no vote was taken.

Solicitor D'Agostino explained that the Town Charter requires adoption of the new budget by June 10. If not adopted by July 1, Rhode Island General Law 45-2-3.2 states that amounts from the previous year are still available but are subject to monthly or quarterly allotments as determined by the Chief Financial Officer. There is no impact on bonds or indebtedness. The Council can continue to meet but must act by July 1st or prior year allocations will be triggered until the Council votes.

Councilor Schwager asked if there were any regulatory or legal impacts by delaying the vote. Solicitor D'Agostino reiterated that legally, the State will impose a budget if Council does not approve one by July 1 and the Charter would be violated if not adopted by June 10.

President Cienki noted that the Schools need their budget now and it would not be fiscally prudent to make them wait. The School Committee has a decision to make on hiring and recalling layoffs and this must be done now. The vote is on a number and the allocation given to the schools is included in the budget.

Councilor Schwager disagreed and noted that delaying the vote would be obligatory to the taxpayers and the School Committee to allow time to discuss the major changes presented within the last 72 hours and asked for more time to deliberate.

President Cienki added that the School Department is treated as a big department whose function is to oversee education and the Town allocates the funds for the schools. The tax levy has increased 390% over the past 30 years and the tax levy and spending is four times the rate of inflation. A vote would take pressure off the School Committee so they could get to work implementing their budget. The One Town approach removes administrative costs from their budget and sets money aside in the Town's budget for additional needs.

Councilor Granatiero remarked that the ability to pay for rising costs is not there. He has reviewed all materials and is ready to vote.

Councilor Schwager asked where the line item is in the Town budget for the pool of money held in reserve for school services.

President Cienki replied that Town capital expenses were reduced and debt is rolling off giving over \$600K to the School Committee to spend as they want.

Councilor Deutsch asked if there was a way to keep taxes even and find more efficiencies on the Town side.

President Cienki explained that after meeting with the Auditor General, part of the plan was to work with the schools to identify how to correct the emerging structural deficit and come up with a corrective action plan. Additionally, identify ways to allocate more money for the schools, holding it on the Town side until the schools ask for it. Finding more efficiencies is not the sole answer but structural changes need to be done.

Councilor Schwager asked what capital items are not being funded.

President Cienki explained that the Town Manager will prioritize projects and has been instructed to hold back the first two quarters of the year to see if the schools need additional funds.

Councilor Deutsch asked if the money can not be used for certain things.

Solicitor D'Agostino explained that the Town holds the money and controls the power to appropriate based on the needs presented by the School Committee.

VP Todd reiterated that the schools cannot receive any less than last year and that consolidation of services is long overdue.

Councilor Schwager was opposed to the idea of a rainy day fund for the Schools.

President Cienki replied that the Town is taking the administrative costs from the Schools allowing them to do what they want with those funds and setting aside additional funds for any unforeseen needs. She explained what access they have to their fund balance.

Councilor Schwager spoke about the discrepancy between what was previously presented and what is being discussed. He pushed for more deliberations in open meetings to discuss other allocations, payment for the consultants, etc. He asked for the Town Manager to review the budget and Department Heads to present their budgets.

President Cienki stated that the bottom number is the same and has not changed since the Town Manager presented the budget on May 1st.

Councilor Schwager added that the budget always changed in previous years after reviewing with the Town Manager and Department Heads.

VP Todd said that the Town Manager was instructed to level fund the budget.

President Cienki called the question. Councilor Schwager asked to keep the discussion open.

President Cienki called the question.

Councilor Schwager called for a point of order to clarify if debate can be unilaterally closed by a single Councilor according to Roberts Rules of Order.

Solicitor D'Agostino stated that the Chair runs the meeting and although he was unsure if the Charter indicates that meetings are run according to Roberts Rules of Order, the Chair holds the ability to make and decide questions of order.

Councilor Schwager added that traditionally, Council has followed Roberts Rules of Order as a mutual agreement.

President Cienki called for a vote.

Nino Granatiero/Sean Todd/Motion Carried

Ayes: Cienki, Deutsch, Granatiero, Todd

Nays: Schwager

Motion to adjourn at 7:50 pm

Sean Todd/Andrew Deutsch/Motion Carried

Ayes: Cienki, Deutsch, Granatiero, Todd

Nays: Schwager

(4) Executive Session

- (a) (1) discussions concerning the job performance, character, or physical or mental health of a person in the employ of the Town of East Greenwich, provided that such person affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

There was no motion for Executive Session.

Submitted By:
Leigh A. Carney, CMC
Town Clerk

Approved By Town Council:
(Pending)

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **6/8/2017**

1. Agenda item (List as it should appear on the agenda)

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 (SECOND READING).

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
▣ DRAFT Ordinance	Ordinance
▣ Advertisement	Backup Material
▣ Advertisement 2	Backup Material

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.

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

Section 1. The Charter of the Town of East Greenwich is hereby amended as follows:

~~§ C-26. Borrowing in anticipation of taxes.~~

~~Borrowing in anticipation of taxes shall require the approval of the Financial Town Meeting in accordance with existing state law.~~

~~§ C-27. Issuance of bonds.~~

~~The qualified electors of the Town may at an annual or special Financial Town Meeting authorize the borrowing of money and the issuance of bonds or notes pursuant to the statutes now or hereafter in effect.~~

§ C-33. Public hearing on recommended budget. [Amended 11-3-1992; 11-2-2004]

The School Committee shall hold a public hearing on its proposed budget on or before ~~March~~ **April** 1 of each year, and shall submit its budget to the Town Manager on or before ~~March~~ **April** 15 of each year. All other Town departments shall submit their proposed budgets to the Town Manager on or before ~~February~~ **March** 15 of each year. On or before ~~February~~ **March** 15 of each year, the Town will notify residents by newspaper of general circulation, and by the Town website or other electronic means, that a copy of the proposed Town budget will be available for review at the Town Hall and on the Town website by ~~April-15~~ **May 1** of each year. The Town Manager shall transmit the Town budget to the Town Council on or before ~~April~~ **May** 1 of each year. The Town Council shall hold a public hearing on the recommended budget on or before ~~April~~ **May** 15 of each year. The Town Clerk shall prepare sufficient copies of the budget to be available for public distribution prior to the hearing.

§ C-34. Recommended Budget. [Amended 11-3-1992; 11-2-2004]

The Town Council may revise the budget as submitted by the Town Manager and shall adopt a ~~recommended~~ budget ~~for presentation to the Financial Town Meeting~~ on or before ~~May-15~~ **June 10** of each year. Any changes following the public hearing on the recommended budget will be highlighted in the adopted budget. A copy of the adopted budget will be available for review at the Town Hall and on the Town website ~~no later than 15 days prior to the Financial Town Meeting~~. If the Town Council recommends an increase in the total expenditures as proposed by the Town Manager, it shall also provide for increasing the total anticipated revenues and shall indicate the

revenues necessary to maintain a balance between revenues and expenditures. No revenue from any source other than the tax levy shall be included in the budget as recommended by the Town Council unless the facts clearly warrant the expectation that such amount actually will be realized in cash during the budget year.

~~§ C-35. Electors not restricted.~~

~~The preparation of a proposed budget by the Town Manager and of a recommended budget by the Town Council shall not be construed to impair or restrict the powers of the electors in the Financial Town Meeting to impose a tax or for the expenditure of money in the Town, or as otherwise provided in this Charter.~~

§ C-36. Publication of budget.

A copy of the budget, as finally adopted ~~by the Town Council by Financial Town Meeting~~, shall be certified by the Town Clerk and filed in the office of the Town Treasurer. Sufficient copies of the budget shall be made available by the Town Clerk for the use of all offices, departments and agencies and for the use of interested persons.

~~ARTICLE VI~~

~~Financial Town Meeting~~

~~§ C-41. Time and purpose. [Amended 11-3-1992; 11-7-2000; 11-2-2004]~~

~~§ C-42. Notice.~~

~~§ C-43. Subjects requiring special notice.~~

~~§ C-44. Special meetings~~

~~§ C-45. Restriction of special meetings~~

~~§ C-46. Financial proposals. [Amended 11-7-2000; 11-2-2004]~~

~~§ C-47. Powers of electors.~~

~~§ C-48. Moderator.~~

~~§ C-49. Duties and powers of Moderator.~~

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~~§ C-50. Quorum. [Amended 11-7-2000; 11-2-2004]~~

~~§ C-51. Voting. [Amended 11-3-1992; 11-2004]~~

~~§ C-52. Vote by ballot.~~

~~§ C-53. Balloting on appropriation for the construction of schools, on the issuance of bonds for
——— school purposes and on appropriation for purchase of land for school purpose.~~

~~§ C-54. Adjourned meetings.~~

~~§ C-55. Notice of adjourned meeting.~~

~~§ C-56. Procedure of adjourned meetings.~~

~~§ C-57. Record of proceedings.~~

~~§ C-58. Recessed meetings [Amended 11-3-1992; 11-2-2004]~~

~~§ C-59. Procedure if budget is rejected. [Added 11-2-2004]~~

ARTICLE VIII

Town Council

§ C-65 Compensation.

Each member of the Town Council shall receive such individual compensation for the performance of his or her duties or for the expenses of his or her office as may be fixed from time to time by the ~~Financial Town Meeting~~ Town Council and in accordance with the Charter.

§ C-67. Powers and duties. [Amended 11-4-1986; 11-7-2000]

All legislative powers of the Town shall be vested in the Town Council except those delegated with this Charter. The Town Council may enact, repeal or amend ordinances relating to the Town's property, affairs and government subject to provisions of the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Town Council may exercise all additional powers and authority that are consistent with this Charter, and have been granted to it by this Charter, **or by** the Constitution or laws of the state ~~or by the Financial Town Meeting~~. Without limiting the generality of the foregoing, the Town Council has and exercises the following specific powers:

- M. To take any action necessary ~~to give effect to any vote of the Financial Town Meeting~~ authorizing the issuance of bonds for any purpose, including borrowing in anticipation of taxes, and to complete all the details of the bond transaction in accordance with the laws of the state.

ARTICLE XIV

Town Clerk**§ C-89. Powers and duties of the Town Clerk.**

The Town Clerk shall be the ~~Clerk of the Financial Town Meeting~~, Clerk of the Town Council, Clerk of the Probate Court, Clerk of the Board of Canvassers and the Recorder of Deeds.

ARTICLE XXIII

Public Schools**§ C-123. School Committee.**

C. Compensation. The School Committee may receive such annual compensation as may from time to time be fixed by the Town Council and by the Financial Town Meeting in accordance with the Charter.

Section 2. The Code of the Town of East Greenwich is hereby amended as follows:

CHAPTER 34: BOARDS, COMMITTEES AND COMMISSIONS

ARTICLE VIII AFFORDABLE HOUSING COMMISSION

§ 34-30 Operation; powers and duties.

- A. The Town Manager or designee shall be responsible for the carrying out of the functions, duties and purposes of the Affordable Housing Commission and shall perform these and such additional duties as assigned by the Town Council.
- B. Budget. The budget of the Commission shall be approved at Financial Town Meeting by the Town Council and subject to all Town policies and procedures.

CHAPTER 143: LAND TRUST

§ 143-4 Rules and regulations; budget; release of funds.

- A. The Trustees shall adopt reasonable rules and regulations governing the conduct of Trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this chapter. All rules and regulations of the Trust are subject to the approval of the Town Council. Decisions of the Trustees shall be by a majority of those present and voting, excepting in decisions on the acquisition of land, easements, rights-of-way, and other uses referred to in § 143-1, which must be by a majority vote of all

ORDINANCE NO.

ADOPTED:

Trustees. The Trustees shall prepare a budget that must be sent to the Town Manager for review and, after his/her review, ~~be reviewed by the Town Council and then~~ be presented to the ~~Financial Town Meeting~~ Town Council for final approval.

Section 3. The passage of this ordinance is subject to approval of enabling legislation pending at the General Assembly.

DRAFT

NOTICE OF PUBLIC HEARING
TOWN OF EAST GREENWICH • TOWN COUNCIL
PROPOSED ORDINANCE AMENDMENT
TOWN CHARTER AND CODE OF ORDINANCES

JUNE 8, 2017 • 7:00PM

TOWN HALL, 125 MAIN STREET, COUNCIL CHAMBERS

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.

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

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ARTICLE VI
Financial Town Meeting

~~§ C-41. Time and purpose. [Amended 11-3-1992; 11-7-2000; 11-2-2004]~~

~~§ C-42. Notice.~~

~~§ C-43. Subjects requiring special notice.~~

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~~§ C-50. Quorum. [Amended 11-7-2000; 11-2-2004]~~

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All legislative powers of the Town shall be vested in the Town Council except those delegated with this Charter. The Town Council may enact, repeal or amend ordinances relating to the Town's property, affairs and government subject to provisions of the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Town Council may exercise all additional powers and authority that are consistent with this Charter, and have been granted to it by this Charter, or by the Constitution or laws of the state or by the Financial Town Meeting. Without limiting the generality of the foregoing, the Town Council has and exercises the following specific powers:

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Section 3. The passage of this ordinance is subject to approval of enabling legislation pending at the General Assembly.

BY ORDER OF THE TOWN COUNCIL
LEIGH A. CARNEY, CMC
TOWN CLERK

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CHAPTER 143: LAND TRUST

§ 143-4 Rules and regulations; budget; release of funds.

- A. The Trustees shall adopt reasonable rules and regulations governing the conduct of Trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this chapter. All rules and regulations of the Trust are subject to the approval of the Town Council. Decisions of the Trustees shall be by a majority of those present and voting, excepting in decisions on the acquisition of land, easements, rights-of-way, and other uses referred to in § 143-1, which must be by a majority vote of all Trustees. The Trustees shall prepare a budget that must be sent to the Town Manager for review and, after his/her review, be presented to the Town Council for final approval.

Section 3. The passage of this ordinance is subject to approval of enabling legislation pending at the General Assembly.

**BY ORDER OF THE TOWN COUNCIL
LEIGH A. CARNEY, CMC
TOWN CLERK**

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **6/8/2017**

1. Agenda item (List as it should appear on the agenda)
FY 2018 Operating Budget
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
Thomas Coyle, III 401-886-8665

TOWN COUNCIL AGENDA TRANSMITTAL FORM

Town Council Meeting Date: **6/8/2017**

1. Agenda item (List as it should appear on the agenda)
(1) discussions concerning the job performance, character, or physical or mental health of a person in the employ of the Town of East Greenwich, provided that such person affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.
2. Submitted by (List department and individual, if necessary)
Legal
3. Provide a brief description of the item and why it is on the agenda
Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this subsection, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.
4. Contact person and phone number for questions
David M. D'Agostino, Esq. 401-647-1400