

MINUTES
Town Council
Town of East Greenwich
Regular Session Joint with School Committee
March 23, 2015 @ 7:00pm
Swift Community Center, 121 Peirce Street, East Greenwich, RI 02818

Town Council Present: M. Isaacs, S. Cienki, M. Schwager, W. Stone, S. Todd

Town Staff Present: T. Coyle, III, L. Botello, P. Clarkin, L. Bourbonnais, K. Benoit, E. McAndrew, J. Duarte, C. Bradley, W. Schmidle, S. Brown, S. Cirella, R. McGillivray, M. Sullivan

School Committee Present: C. Mark, M. Winters, M. Fain, Y. Sun, C. Smith, D. Osborne

Others: V. Mercurio, G. Dixon, C. Malaga

7:00pm ~ Call to Order and Pledge of Allegiance to the American Flag

President Isaacs called the Town Council to order and Chairwoman Mark called the School Committee to order. The assembly recited the Pledge of Allegiance to the American Flag.

Acknowledgments

- EGHS Girls Swim Team for placing 2nd in the Division II Finals
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- EGHS All-State Athletes
 - Boys/Girls Cross Country Team
 - Boys/Girls Soccer Team
 - Field Hockey Team
 - Football Team
 - Girls Tennis Team
 - Girls Volleyball Team

VP Cienki moved to approve the acknowledgments, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

Athletes in attendance were congratulated by Town Council and School Committee members. Coach Regina Hand spoke briefly on behalf of the boys and girls swim teams and was appreciative of the recognition.

Joint Meeting with the School Committee

- Report on the Audit for Fiscal Year 2014

Paul Dansereau and Bill Baxter from Baxter Dansereau and Associates, LLP presented some financial highlights from the most recent audit for the fiscal year ending June 30, 2014. Their opinions on the financial and federal funds compliance were both unqualified. Details were given on the basic financial statements including government-wide and fund financial statements as

well as many supplementary reports. An explanation was given on what the bond rating agencies look at such as fund balance compared to budget, unfunded OPEB liability and the Town's long term economic approach.

- Budget – preliminary discussion.

The School Committee has voted on their budget and the Town Manager will submit the overall budget to Town Council by April 1st. The public hearing is scheduled for April 13th when presentations will be given by the School Superintendent and the Town Manager.

Ms. Mark began by stating the FY 2015 budget is \$35,613,334 and the proposed FY 2016 budget is \$36,782,591 for a total dollar increase of \$1,169,257 or a 3.28 % increase overall. Initially, the potential increase was 5.41% which is over and above the statutory authority and not inclusive of the proposals for all day K. After further review, the budget was brought down to an increase of 3.44% which was voted on and approved on March 10th. Subsequently, the State announced an increase in state aid revenue (specifically related to high cost special education) for a total of \$2,862,681, an increase of \$397,457 or 16.12%. This allowed a reduction in the amount requested of the Town from 3.44% to 3.07%. The budget approved on March 10th included the all-day K equity model at Frenchtown. There are constraints due to increases in health care costs of 7.5%, contractual rate increases, population and enrollment increases at both the elementary and middle school levels.

Presidents Isaacs remarked that although the School Committee voted on their budget, it is still not firm. He asked that they level fund the use of their fund balance at \$170K versus only \$100K for FY 2016. This would reduce the amount of tax appropriations from the Town. Ms. Mark explained that for FY 2015, the bulk of the fund balance was used to implement the 1:1 technology initiative. Their fund balance policy restricts the use of funds for specific purposes. The Committee will discuss this request at their April 7th meeting.

President Isaacs noted that other challenges to keep in mind are the loss of \$335,000 in Potowomut rescue billing revenue, less State school housing aid, less from school impact fees, less from transfer of debt service and there is likely to be a settlement of the state pension case which could mean additional expenditures to the Town.

VP Cienki asked about the capacity of teacher's schedules, if all-day K will work, looking at efficiencies and consolidation of maintenance and IT between the School and Town, where are the savings from the implementation of Chromebooks, is the insurance policy on Chromebooks being enforced and are they all insured, are Chromebooks going to be implemented at Cole and has there been any parent feedback, how much money is in the turf field replacement fund, the capital fund and how are they using capital funds. Ms. Mark will address these concerns on April 13th.

Councilor Stone asked if any programs are being expanded or new services being provided. Dr. Mercurio replied that there are no large scale changes, only the implementation of the equity model of all-day K. Furthermore, a significant decrease in discretionary expenses was noted in Maintenance. Contractual obligations and increases in health care were also discussed.

VP Cienki asked if they are considering moving to a HSA (Health Savings Account) and are busing contracts being renegotiated. Dr. Mercurio replied yes to the HSA and that busing requirements have increased due to increases in enrollment and out of district transportation. There may be additional revenue from the Governor's budget related to private bussing.

Councilor Schwager voiced his concerns on the challenges of OPEB funding and improving the Town's capital reserve fund. He asked for an explanation on how state aid increases without the State's budget for FY 2016 being available. Dr. Mercurio explained it is a result of being a Rise to the Top district as awarded by the Department of Education. Discussion continued on increased enrollment, mostly driven by students transitioning from Cole, and that the funding formula is based on the integrity of the average daily membership numbers which are transmitted expeditiously. Discussion continued on the cuts in Maintenance and the allocation of those funds to another area to reduce the amount requested from the Town.

Councilor Todd asked why they do not use their fund balance for all-day K. Dr. Mercurio explained that the majority of the costs associated with implementing the all-day K program are for human resources, which must come out of the operating budget and not the fund balance. Thee Fund Balance Policy will be circulated to the Town Council.

At 8:28pm, Ms. Winters moved to adjourn, seconded by Mr. Fain. Voted 6-0 all in favor, motion carried.

Town Council took a brief recess.

Moved to Item 2a

1) Town Council Minutes

- a) January 17, 2015 (Special Session)
- b) March 2, 2015 (Regular and Executive Sessions)

Councilor Stone moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

Moved to Item 2b

2) Reports and Communication

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

None

Moved to Item 3a

- b) Financial Report – February 2015

Ms. Benoit reported that current year tax collections were \$31,597,929 equal to 59.86%. The School Fields Project had no expenses this month. The cash balance is \$1,049,914 including \$ 887,000 of encumbrance. The School Bond Project had expenses of \$17,600 this month for technology. The project has total expenditures of \$46,666,926.49. The cash balance is \$2,236,660.36. Explanations were given on some department expenditures that are over budget and needed clarification.

IT encumbrances were explained by Ms. Schmidle which was for a bulk of time with a system engineer.

c) Update on Fire Station 1

Mr. Duarte gave details on the project which was to replace the floor at the station on Main Street. It is currently one month delayed but progress is being made. Costs for engineering could be \$3-4K over budget. There is currently \$18,000 in change orders and could be more due to the most recent issue with outside walls. The project is expected to be completed by the end of June.

Moved to Consent Calendar

3) Public Hearing

- a) Zoning Amendment – Petition to re-zone Assessor’s Map 67, Plat 13, Lot 34 located on New London Turnpike from Farm (F-2) to Mixed Use Planned Development (MUPD) to accommodate industrial use of a land-locked property abutting Interstate 95.
(SECOND READING)

Attorney Shekarchi, representing the applicant William Ross, explained the property has received Planning Board approval but needs a zone change. Mr. Ross is under contract to purchase a landlocked piece of property with the option to purchase or lease access from DOT for his construction business which abuts the Town of West Greenwich. The applicant and abutter Mike Kent have come to an agreement on some stipulations such as no screening or crushing of material on site, signage to educate all trucks to keep Jacob brakes off and to shut off backup alarms. The property will not be open to the public and all work will be done off site. All materials (90%) will be delivered to off site and only excess returned. It is not a retail operation.

Ed Pimentel, land use expert, briefly highlighted the findings of his report. The 6.5 acre property is unique in that it is landlocked with vast buffering on Route 95. Although gaining access brings a large expense to the applicant, he feels the requested zone change in association with the Comp Plan is deemed appropriate.

Attorney Shekarchi reported that the letter presented to Ms. Bourbonnais from the Town Planner in West Greenwich addressing buffering and land use have already been addressed and he finds their comments unfounded.

Ms. Bourbonnais requested that the letter be marked as an exhibit for the record. Procedurally, adequate notice was given for both the Planning Board’s review of the project and this hearing in particular. She senses the objections are based upon the proposed zone change being non-

compliant with the Comp Plan and although State law prescribes that zoning ordinances match the Comp Plan, the Comp Plan is the vision for the Town and comes first. Also, the loss of tax revenue and the burden of allowing access are part of the objection but could potentially be worked out between both sides if given more time. When the project first came to be, she recommended the applicant pursue a Comp Plan amendment but they declined as they felt they had a case for compliance. The Planning Board felt that is was not inconsistent with the Comp Plan.

Further discussion continued on the timeline for the project (at least 6 – 12 months), initiating a Comp Plan amendment, reconsideration by the Planning Board and definitions included in the Comp Plan relative to this project.

Michael Kent owns the property abutting this parcel and has already received master plan approval from West Greenwich for a 127-unit senior residential development. He spoke with the West Greenwich Town Administrator, Kevin Breene and Ms. Paquette and advised them that he has been speaking with Mr. Ross, was in favor of the project and agrees with the stipulations. Initially, Mr. Breene was under the impression Mr. Kent was opposed and would be sending someone to speak on his behalf. Mr. Kent clarified that both he and Mr. Breene are okay with the project.

Harris Hammersmith, an abutter to both parcels, stated he was neither for nor against the project but just wanted to make his presence known.

Attorney Amy Goins, Assistant Town Solicitor for West Greenwich, representing the West Greenwich Planning Board objected to the project claiming there was lack of proper notification, is inconsistent with East Greenwich's Comp Plan and furthermore that the proposed use is inconsistent with the Town's zoning ordinance. She requested that the Council delay action until the West Greenwich Planning Board has an opportunity to weigh in on this project.

Brad Ward, Chairman of the West Greenwich Planning Board, remarked that they would be in full support if access to the site including utilities was through East Greenwich. Other objections were based on claims of placing a burden on West Greenwich public safety officials and Town Councilors dealing with complaints from noise and other nuisances without receiving any revenue.

There were no further public comments.

VP Cienki moved to close the Public Hearing and advance to Third Reading, seconded by Councilor Todd.

President Isaacs, Councilor Stone and Councilor Schwager made further comments about moving the project forward and discussed the procedural process of continuing the Public Hearing or moving to the Third Reading.

Attorney Shekarchi added that he was unaware of any opposition but will reach out to West Greenwich and report back to Council.

William J. Ross, applicant, advised that registered mailings were sent to the Town of West Greenwich and his engineer spoke to the West Greenwich Town Planner months ago. He claimed that they have been aware of the project for a long period of time.

Given the questions and issues raised by representatives from West Greenwich, President Isaacs stated that further comment by interested persons would be taken at the third reading. He noted that third reading is typically reserved for discussion among Councilors, but that comments from the public may be allowed by the chair and that this has occurred at various times previously.

Council voted 3-2 with President Isaacs, VP Cienki and Councilor Todd voting yes and Councilor Schwager and Councilor Stone voting no; the motion carried. The Third Reading is scheduled for April 13th.

Moved to Item 6d

4) Consent Calendar

- a) RENEWAL of Private Detective License for Jeffrey Enos.

Councilor Stone moved to approve, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

5) Unfinished Business

None

6) New Business

- a) An ordinance in amendment of Chapter 227 TAXATION ordinance for Senior, Disabled and Veteran Exemptions (FIRST READING/INTRODUCTION).

President Isaacs explained the purpose of the amendment is two-fold; one is to simplify the manner in which tax credits are given and the second was to include tax credits from the former Fire District.

Councilor Todd moved to move the item to Public Hearing and Second Reading on April 13th, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

- b) Recommendation from the Tax Assessor for abatements to the 2014 Real Estate tax roll in the amount of \$3,302.42.

Councilor Stone moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- c) Resolution opposing H-5044, H-5173 and S-0559 - legislation providing for tax

exemptions for certain new construction.

Councilor Stone moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Moved to Item 6e

- d) Authorization for the Town Manager to enter into an agreement with Frenchtown Partners for the connection of sanitary sewers into the East Greenwich sewer system for a property off Frenchtown Road, in both North Kingstown Assessor's Plat 177, Lots 20 and 30 and East Greenwich Assessor's Map 31, Plat 17, Lot 10.

Mr. Duarte explained the scope of the project and its uniqueness. The development will require 25,000 gallons a day and has been designed to handle expansion outside the realm of this project. An analysis was done and the Town has enough capacity to handle the additional flow. Regulatory requirements and infrastructure maintenance will be the developer's responsibility.

Attorney John C. Revens, for Frenchtown Investors LLC, explained the mixed use of retail and office space for the property. This should not affect the anticipated flow from NEIT.

Solicitor Clarkin was satisfied with the agreement as drafted.

VP Cienki moved to approve, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

Moved to Item 1

- e) Appointment of an alternate subcommittee member of the Coastal Resources Management Council.

VP Cienki moved to appoint Councilor Stone, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- f) Rescinding the RENEWAL of the Class BV Alcoholic Beverage License and Victualing License for Jade Garden, 1000 Division Street.

VP Cienki moved to approve, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

- g) Reappointment of Vincent Ragosta, Jr. to the Personnel Board for a three (3) year term to expire March 31, 2018.

VP Cienki moved the reappointment of Vincent Ragosta, Jr. to the Personnel Board for a three (3) year term to expire March 31, 2018, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

7) Town Manager's Report

Mr. Coyle has scheduled a meeting with the Personnel Board for April 23rd.

8) Council Comments

President Isaacs noted that the Council is meeting with the Land Trust for a work session on April 30th at Swift Community Center beginning at 7pm.

9) Public Comment (15-minute time limit)

None

10) Executive Session per RIGL §42-46-5 (a) (2) (6) for the purpose of discussing all municipal collective bargaining agreements or litigation, and prospective business or industry locating in the State of Rhode Island.

VP Cienki moved to go into Executive Session per RIGL §42-46-5 (a) (2) (6) for the purpose of discussing all municipal collective bargaining agreements or litigation, and prospective business or industry locating in the State of Rhode Island, seconded by Councilor Stone. Roll call vote of 5-0 all in favor, motion carried.

Following the Executive Session, Councilor Schwager moved to return to Open Session, seconded by Councilor Stone. Voted 5-0 all in favor, motion carried.

VP Cienki moved to seal the Executive Session minutes, seconded by Councilor Schwager. Voted 5-0 all in favor, motion carried.

VP Cienki moved to adjourn, seconded by Councilor Todd. Voted 5-0 all in favor, motion carried.

Leigh A. Botello, CMC
Town Clerk

APPROVED BY TOWN COUNCIL APRIL 13, 2015