

The City of Warwick
Docket of the City Council
Regular Public Hearing Meeting
For
November 21, 2016
@
Council Chambers
Warwick City Hall
3275 Post Road
Warwick, RI 02886
@ 7:00 P.M.
Donna Travis, President

Roll Call: 7/2 Steven Colantuono (absent), Thomas Chadronet, Camille Vella-Wilkinson, Joseph Solomon, Edgar Ladouceur, Donna Travis, Kathleen Usler (absent), Joseph Gallucci, Steven Merolla

Time: 7:02 PM

Salute to the Flag: Councilman Chadronet
Councilwoman Usler arrived 7:07 PM

Executive Communications

General Communications -

1. Ward 6 – Council President Travis – Would like to welcome newly elected Councilmen elect Rick Corley, Ward 1; Jeremy Rix, Ward 2; Timothy Howe, Ward 3.
2. Ward 3 – Councilwoman Vella-Wilkinson – Would like to thank all those who attended the opening of the military lounge at TF Green Airport. The respite room was named for Ken Smith, one of our senior citizens, volunteers and veterans. Thanks to Cardi Brothers for their generous donation of all of the furniture in the space. Thanks to Mr. Paul DePetrillo for his generous donation a 60” plasma TV. It is a beautiful space and everything is free for veterans, active duty military members and their families. RI Airport Corporation has graciously provided additional space, allowing the lounge to triple in size. The lounge has served 9,000 visitors in the past three years and is entirely staffed by volunteers. She encourages everyone to visit.
3. Ward 5 – Councilman Ladouceur – Since the public meeting regarding the special education department, he has received phone calls, e-mails and seen Facebook posts almost daily. This is a serious and significant situation. He is becoming more and more concerned. There will be a speaker coming forth to share her first-hand experience with special education during the public comments. He is on a mission with this special education issue.

Public Comment

RULE 41. After the General Communications and prior to the Consent Calendar at each City Council Public Hearing meeting there shall be a fifteen minute period during which citizens may comment about Warwick city government issues subject to the following stipulations:

- a) The total period of time for public comment shall be 15 minutes.
Comments need to be brief in order to allow as many citizens as possible to participate.
- b) The topics for comment shall be issues directly affecting City government.
- c) City Council members will not respond to questions during the public comment period.
- d) The public comment session will terminate at the expiration of 15 minutes.
Waiver of this provision requires unanimous consent.

1. Rob Cote: Welcome new members of the Council. Budget expenditures have been released as of November 1st for the first fiscal quarter. The Warwick Fire Department has consumed 66% of their allocated overtime. This puts them track for a \$1.3 million projected overage of the allocation. Department has consumed \$886,000 in overtime as of the first quarter of the fiscal year. This happens year after year with no audit or investigation by the Council or Finance Committee. Regarding sick time, the chief, the mayor and finance director testified at the budget hearings that the only sick time able to be tracked and reconciled was that of non-uniform personnel. There is no line item in the budget for uniform sick time. The chief testified excess overtime was because of excessive amount of personnel calling in sick. Upon review of documents from a public access request, virtually every firefighter received a maximum unused sick time bonus. No sick time was accounted for during the 2015/2016 budget. The chief testified that substitution of firefighters takes place on a regular basis and he could produce a log

of every single instance of manpower substitutions. An APRA request for that log showed no documents exist. Why has there been no investigation made into blatant fraud within department. There are no checks and balances regarding the amount of sick time and substitution abuses. Documents suggest complete lack of accountability and there is no limit to the amount of sick time employees can take without being docked. Substitution of manpower is being used to abscond tax dollars in the form of overtime and unaccounted-for sick time. It's an organized scheme of increasing salary by fraudulent methods. Council members don't look into this. Believes numerous members are compromised by taking contributions from the department. President Travis has taken \$500 on 10/26, Finance Chair took \$1,125. Councilman elect Rainey and Councilman elect Howe have also received contributions. Requests that Council perform an audit and reconcile the budget.

2. Robert Cushman: Resident of Ward 1. Would like to congratulate all Council elects. Ten years ago, served on Council. Does not feel Council has enough data and information about the budget. He would hope the new members would advocate for a Council auditor. Two years ago he was invited to speak on budgetary trends in the city. Feels not much has taken place to address these issues. Feels council leadership is a little hostile as to investigating the budget. Council has had open meetings violations against them. He hopes the new members will be open and willing to listen to the people and the taxpayers. He would like to offer his services. He has a database tracking the budget for over a decade and a half. We must look at spending trends over the last five to ten years. You cannot determine what is going on in the city looking at trends over two years. It should be 5 to 10, even 15 years. Went before the Finance Committee last week; they did not want to listen to what he had to say. He is offering his analyst services to future Council President Solomon and hopes he has the courage and fortitude going forward to ask questions and make tough decisions regarding the budget. Feels that Ward 1 council elect has ambitious plans to serve. There's a lot of money out there that can be saved. Disappointed in leadership over the last four years from council president and finance chair. Having an open mind, listening to people and taxpayers and investigating will make it successful.
3. Bethany Fitzpatrick: Mother of a two boys, four and six-year-old. Her six-year-old has autism and began attending Park Elementary School this year. She spoke with Dr. Connelly over the summer to discuss his needs at school, such as an aide, an IEP meeting. Was assured he would be fine. Documented many times he was not. Has had three meetings with Dr. Connelly, the principal and his teacher. They denied giving him the IEP evaluation. Do not feel he needs an IEP evaluation because they say he's very intelligent. He memorizes information, but has no concept of what he is able to memorize and repeat. After reading an article in The Beacon about Councilman Ladouceur, she e-mailed him. He came to the next special education meeting. They still refused to evaluate her son and would not let Councilman Ladouceur speak. Her son came home from school the next day stating he had spent the day with "Miss Gail." Not recognizing the name as any teacher she was familiar with, she called the school to ask about who this person was and was denied an answer. She later learned the only employee at the school named Gail is a custodian and that when her son was having a hard time in class, they called the janitor to walk him around the school. As a result, she took him out of Park Elementary. She didn't know what to do and was hysterical and crying. She called Councilman Ladouceur. She met with Lynn Dambruch. Her son is currently transferring schools, but still is in need of an evaluation. She confirms he is "a runner," and will "take off."

Referred Business

1. **PCO-21-14 Update and Amend the City of Warwick Harbor Management Plan and Ordinance** (Council President Travis)

Public Hearing, First Passage

Committee Report: Ordinance: Move to Public Hearing, Gallucci

Action: Move to open public hearing

Moved by: Gallucci

Seconded by: Ladouceur, Vella-Wilkinson, Chadronet

Vote: 8/0 VV

Speaking for: Sue Cabeceiras – Planning Department

Jody King – Harbor Management Commission – Chairperson

Kevin Cute -Coastal Resources Management Council –need to address minor issues

Jeff Baris – Harbor Master

Speaking against: none

Motion to close the P.H.: **Continue Public Hearing to 2/22/2017**
Moved by: Ladouceur
Seconded by: Usler
Vote: 8/0 VV

2. PCO-25-16 An Ordinance Relative to the Abandonment of a Portion of Soule Street, TMC CF New England, LLC, Petitioner (Councilman Gallucci)

Public Hearing, First Passage

Committee Report: Land Use: Move to Public Hearing, Vella-Wilkinson
Action: Motion to open Public Hearing
Moved by: Vella-Wilkinson
Seconded by: Ladouceur, Usler, Gallucci
Vote: 8/0 VV

Speaking for: K. Joseph Shekarchi, Esq. Attorney for Petitioner
Greg Avenia, Project Manager Garofalo & Associates
Joseph A. Trillo, Abutter with concerns on length of abandonment

Speaking against: NONE

Motion to close the P.H.: Gallucci
Seconded by: Ladouceur
Vote: 8/0 VV

Action: Motion to Amend
Moved by: Gallucci
Seconded by: Merolla, Ladouceur
Vote: 8/0

Action: Move as amended
Moved by: Gallucci
Seconded by: Merolla, Ladouceur, Chadronet
Vote: 8/0

TO SECOND PASSAGE AS AMENDED 12/19/2016

3. PCO-26-16 An Ordinance Relative to a Zone Change Petition, TMC CF New England, LLC, Petitioner (Councilman Gallucci)

Public Hearing, First Passage

Committee Report: Land Use: Move to Public Hearing, Vella-Wilkinson
Action: Move to Open Public Hearing
Moved by: Gallucci
Seconded by: Vella-Wilkinson, Chadronet, Ladouceur
Vote: 8/0 VV

Speaking for: K. Joseph Shekarchi, Esq. Attorney for Petitioner
Greg Avenia, Project Manager Garofalo & Associates
Joseph A. Trillo, Abutter

Speaking against: Christopher Mulhearn, Esq. – represents abutter, Anthony Farina

Motion to close the P.H.: Gallucci
Seconded by: Chadronet, Vella-Wilkinson, Ladouceur
Vote: 8/0 VV

Action: Move to amend #1
Moved by: Gallucci
Seconded by: Usler, Vella-Wilkinson, Chadronet

Vote: 8/0
Action: Move to amend #2
Moved by: Gallucci
Seconded by: Ladouceur
Vote: 8/0
Action: As amended #1 & #2
Moved by: Gallucci
Seconded by: Ladouceur
Vote: 8/0

TO SECOND PASSAGE AS AMENDED 12/19/2016

4. **PCO-39-16 An Ordinance relative to a Zone Change Petition, 270 Austin, LLC, Petitioner requesting Zoning Law be amended by changing the Zoning Classification from Residential A-7 to A-7 Planned District Residential for Plat 292 Lot 178 Conanchet Avenue** (Councilman Colantuono)

Public Hearing, First Passage

Committee Report: Land Use: Move to Public Hearing, Vella-Wilkinson
Action: Move to open Public Hearing
Moved by: Vella-Wilkinson
Seconded by: Ladouceur, Usler
Vote: 8/0 VV

Speaking for: Joseph Brennan, Esq. representing 270 Austin, LLC
William DePasquale, Director of Planning

Speaking against: Joan McDonald-abutter, area should remain single family

Motion to close the P.H.: Vella-Wilkinson
Seconded by: Ladouceur, Chadronet
Vote: 8/0 VV

Action: Favorable
Moved by: Vella-Wilkinson
Seconded by: Ladouceur, Chadronet
Vote: 8/0

TO SECOND PASSAGE 12/19/2016

1. **Announcement of Appointments** – none
2. **Appointments Requiring Confirmation** – none
3. **Consent Calendar** –

1. **PCR-145-16 -Resolution Relative to Bids**
(Councilwoman Vella-Wilkinson)

Committee Report: Finance: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Vella-Wilkinson
Seconded by: Gallucci, Ladouceur, Chadronet

ADOPTED R-16-122

Consent calendar vote: 8/0

REMOVED FROM CONSENT CALENDAR

PCR-146-16 Bid# 2017-184 Replacement Parts for Potowomut Playground

Action: Move to floor for discussion
Moved by: Vella-Wilkinson

Seconded by: Chadronet
Action: Hold to have purchasing go out to bid
Moved by: Vella-Wilkinson
Seconded by: Usler
Vote: 8/0 VV

UNFINISHED BUSINESS

Item 9 moved to top of docket

9. PCR-124-16 A Resolution regarding Tax Abatement relative to Tamerisk (Councilman Gallucci)

Committee Report: Finance: Move to floor for discussion, Vella-Wilkinson
Action: Favorable
Moved by: Gallucci
Seconded by: Vella-Wilkinson
Action: Move to suspend rules
Moved by: Vella-Wilkinson
Seconded by: Ladouceur
Vote: 8/0 VV
Action: Move to amend
Moved by: Gallucci
Seconded by: Vella-Wilkinson, Ladouceur, Usler, Chadronet
Vote: 8/0
Action: Move as amended
Moved by: Gallucci
Seconded by: Usler, Vella-Wilkinson, Chadronet
Vote: 8/0

ADOPTED R-16-123

1. PCO-17-16 An Ordinance relative to a Zone Change Petition, Warwick Hotel Associates, Warwick Hotel Associates, IV, LLC and State of Rhode Island, Petitioners (Councilman Gallucci)

Second Passage

Committee Report: Land Use: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Gallucci
Seconded by: Vella-Wilkinson, Chadronet
Vote: 8/0

ADOPTED O-16-27

2. PCO-32-16 An Ordinance Relative to a Zone Change Petition, Southern Sky Renewable Energy RI, LLC, Petitioner Kilvert Street (Councilwoman Vella-Wilkinson)

Second Passage

Committee Report: Land Use: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Vella-Wilkinson
Seconded by: Chadronet
Vote: 7/0/1 (Ladouceur abstains)

ADOPTED O-16-28

- 3. PCO-33-16 An Ordinance Relative to a Zone Change Petition, Southern Sky Renewable Energy RI, LLC, Petitioner, West Shore Road** (Councilwoman Usler)

Second Passage

Committee Report: Land Use: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Usler
Seconded by: Gallucci, Vella-Wilkinson, Chadronet
Vote: 7/0/1 (Ladouceur abstains)

ADOPTED O-16-29

- 4. PCO-18-15 Neighborhood Improvement Program- an Ordinance that will make Landlords responsible for the costs to pick up debris left on the street by tenants.** (Councilman Ladouceur)

First Passage – Not Drafted

Committee Report: Ordinance: **HOLD TO 1/4/2017**

- 5. PCO-27-16 An Ordinance to amend the Code regarding Minimum Housing Violation Fees and Fines** (Councilman Colantuono, Council President Travis, Councilwoman Vella-Wilkinson on behalf of Mayor Avedisian)

First Passage – Not Drafted

Committee Report: Ordinance: **HOLD TO 12/19/2016**

- 6. PCO-35-16 An Ordinance regarding Panhandling** (Councilman Merolla, Councilman Ladouceur)

First Passage – Not drafted

Committee Report: Ordinance: **HOLD TO 2/22/2017**

- 7. PCR-116-16 A Resolution regarding Special Education Investigation** (Councilman Ladouceur)

Committee Report: Intergovernmental: **HOLD TO 12/19/2016**

- 8. PCR-117-16 A Resolution rescinding the request to the Warwick Educational Community Outreach Committee to investigate and report on complaints regarding Special Education services in the Warwick School Department** (Councilman Ladouceur)

Committee Report: Intergovernmental: **HOLD TO 12/19/2016**

- 9. Item 9 moved to top of docket under unfinished business**

- 10. PCR-130-16 A Resolution respectfully requesting the U.S. Army Corps of Engineers to Dredge Warwick Cove** (Council President Travis, Councilman Ladouceur)

Committee Report: Intergovernmental: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Vella-Wilkinson
Seconded by: Ladouceur

Action: Move to amend
Moved by: Ladouceur
Seconded by: Chadronet, Usler
Vote: 8/0
Action: Move as amended
Moved by: Ladouceur
Seconded by: Chadronet, Usler
Vote: 8/0

ADOPTED R-16-124

11. PCR-132-16 A Resolution to initiate a process to reduce and possibly eliminate the Car Tax (Councilman Ladouceur)

Committee Report: Finance: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Ladouceur
Seconded by: Vella-Wilkinson, Chadronet
Vote: 8/0

ADOPTED R-16-125

12. PCR-142-16 (Formerly PCO-31-16) A Resolution to initiate a process to reduce and possibly eliminate the Tangible Tax (Councilman Ladouceur)

Committee Report: Finance: Favorable, Vella-Wilkinson
Action: Favorable
Moved by: Ladouceur
Seconded by: Chadronet, Gallucci
Vote: 8/0

ADOPTED R-16-126

FOR REFERRAL AND ADVERTISING

none

Unanimous Consent for November 21, 2016

Motion to Adjourn: Gallucci

Vote:

Time: 10:37 PM

Next Available Numbers:

PCR-146-16

PCO-44-16

DOCKET SESSION

Ward 3 representing Ward 1 Councilwoman Vella-Wilkinson for Councilman Colantuono:

Resolution of Congratulations Honoring The Honorable Thomas Chadronet for 6 years of service as a member of the Warwick City Council –Community Affairs Committee
R-16-6BBBB

Resolution of Congratulations Honoring The Honorable Camille Vella-Wilkinson for 6 years of service as a member of the Warwick City Council –Community Affairs Committee - **R-16-6CCC**

Resolution of Congratulations Honoring The Honorable Kathleen Usler for 2 years of service as a member of the Warwick City Council –Community Affairs Committee
R-16-6DDDD

Resolution of Congratulations Honoring Jennifer Ahearn for 4 years of service on the Warwick School Committee –Community Affairs Committee - **R-16-6HHHH**

Resolution of Congratulations Honoring The Honorable William Walaska for 22 years of dedicated service in the Rhode Island State Senate –Community Affairs Committee
R-16-6EEEE

Resolution of Congratulations Honoring the Honorable Joseph Trillo for 16 years of dedicated service in the Rhode Island State House of Representatives –Community Affairs Committee **R-16-6GGGG**

Resolution of Congratulations Honoring The Honorable Eileen S. Naughton for 24 years of dedicated service in the Rhode Island State House of Representatives –Community Affairs Committee **R-16-6FFFF**

Ward 6 – Council President Travis – Resolution of Congratulations Honoring The Honorable Steven A. Colantuono for 8 years of service as a member of the Warwick City Council –Community Affairs Committee **R-16-6AAAA**

Ward 5 – Councilman Ladouceur – A Resolution regarding investigation of Special Education Department – Intergovernmental Committee – **PCR-147-16**

Ward 7 – Councilwoman Usler – A Resolution in regards to traffic signage for the newly relocated Main Avenue – Public Safety Committee – **PCR-150-16**

Ward 8 - Councilman Gallucci – A Resolution regarding a stop sign and/or caution light on Imperial Drive at the corner of Main Avenue Public Safety Committee **PCR-151-16**

Ward 8 & Ward 7 – Councilman Gallucci and Councilwoman Usler – A Resolution requesting the State DOT study the need for a crosswalk and/or caution light on Post Road near the Greenwood Credit Union – Intergovernmental Committee - **PCR-148-16**

Ward 9 – Councilman Merolla – A Resolution to the Town of East Greenwich regarding the 4 way stop signs at the intersection of Division Street and Fairmount Drive – Intergovernmental Committee – **PCR-149-16**