

Town Council Meeting

January 14, 2013

Work Session: Presentation by Coventry Concerned Citizens regarding the black, sticky, oily substance in the Catalpa Way neighborhood of Wood Estates North

Ms. Tammy Duxbury spoke representing Citizens Advocating for a Safe Environment, a non-profit organization. An information packet was distributed to the Town Council, which included research they have done on this issue. Other concerns of the "CASE" organization and the neighborhood group were brought to the attention of the Town Council with regard to the operation of the businesses at 75 Airport Road, and those concerns are as follows:

Air Quality

1. Air quality with regard to pollutants
2. Chemicals, some of which are known carcinogens, and their impact on health
3. Odors and effects on the elderly and children, including students, teachers, athletes and visitors at CHS, which is approximately 3,500 feet from the Industrial Park.
4. Fr. John V. Doyle School is also a concern.
5. Residents of Westwood Estates are very distressed about the odors that permeate their property lines and they wonder how this impacts their health as well.

Watershed and drinking water.

Spills, leaks and street run off can contaminate wells, ponds and drinking water. The Coventry Conservation Commission has expressed their concern over these issues, which is found in minutes of their meetings. We would like to know why the town has allowed businesses to locate so close to this area. Even warnings from the Coventry Conservation Commission have not been heeded by the town.

Traffic and transportation

Reservoir Road is the only access road in and out. It is a narrow road with no sidewalks and excessive, heavy, truck traffic. One resident counted 33 trucks in one hour on the road, estimated at 260 trucks in an eight hour day.

Noise pollution

Some businesses are allowed to operate overnight in the business park. There are some homes in Westwood Estates that are only 300 feet from the industrial park. Neighbors in Westwood Estates are being kept awake at night and awaken early in the morning. Their quality of life has been impacted, they can't use their porches, can't hang pictures on the walls because the noise vibrates their homes. Why would our town solicitor issue a legal opinion that benefits private business and puts residents' health at risk?

Emergency response

If there is a fire or hazardous waste event, would our fire district have the resources and equipment to address that?

Property Values

Properties could lose 56% of their value, and the Town would lose tax revenue. Ms. Duxbury quoted from the Town Charter that the "Town Council shall be vested with the power to adopt, amend and repeal ordinances for the preservation of the public peace, health, safety, welfare and for the protection of persons and property".

Our group will be persistent and is not intimidated. We want our concerns at rest.

We would like to see the following:

- Town Council revisit the Consent Order
- Sage Environmental to conduct control or baseline testing immediately so that we have something to compare the air to now vs. in the spring
- Town Council to adopt and revise ordinances and regulations to strictly regulate the businesses in the Industrial Park, including overnight operations, noise ordinances and increase of fines and violations
- Zoning Ordinances need to be revised to prohibit industrial operations in residential and

watershed areas

President Cote explained that he needed a legal opinion from Solicitor Tobin, as to whether the businesses in the industrial park were considered construction or manufacturing. Further, my understanding is that at least one asphalt plant has been there since 1962, and I would venture to guess that was well before many of the homes in the residential area were built. Additionally, many were summer homes on Johnson's Pond that were closed up for the winter.

I believe that any ordinances that were passed wouldn't apply, as the plant would have been "grandfathered" in, operating there before the residents were. I cannot see penalizing companies that are doing business in an industrial zone because residential properties were being built up around them after they were in operation.

President Cote went on to point out that up to this point the Town Council has been in agreement with the neighborhood organization as far as the environmental study that was requested, and the town is doing that. There are no results yet, we have nothing to go on yet, only what you are telling us. DEM reports tell us that the two asphalt plants are doing nothing wrong and have broken no laws. Until we get further testing from Sage, we don't have anything else to go on.

Ms. Duxbury suggested that President Cote check the dates on whether the asphalt plants were there in the 1960's; there seems to be a discrepancy in the dates. Also, it was vacant for 18 months, and that is abandonment. We are not talking about the black, oily stuff now. We have odors, noise, and I don't know how you can allow this next to a wellhead protection zone. Do you understand the implications? This is a potentially serious issue and prior Town Councils let it happen.

John Assalone, 3 Sabina Court, Coventry, remarked that when Westwood Estates was developed, Charlie Anthony was only operating the plant sometimes, then it closed up, then Fleet was in there, then it was abandoned, then Miozzi came in.

President Cote commented that Miozzi was there before Fleet went out of business.

Mr. Assalone stated that a non-conforming use was there. A judge made that decision, it went to court and was problematic for both sides. All of a sudden, things weren't agreed on anymore, the plant was starting operations too early, and the \$100.00 fine is nothing to such a large industry. There needs to be higher fines in place if they are open too early. There should be a serious ordinance put into place, carrying a hurtful fine. Another issue is that these trucks need to stop air braking on Reservoir Road. It is very noisy. Speeding is also a problem. I do understand grandfathering, but my position here is to please deal with the ordinances.

Michelle Roiter, 129 Reservoir Road, lives on the pond and can hear the plant occasionally. She hasn't had to deal with any dust, soil or soot on her property, but does believe there should be air testing. She would like to see the facts on well water and contamination.

Charlotte Porter, 26 Sandra Circle, can't use her porch, there is an odor that burns her eyes and throat, her grandchildren can't come to visit, she can't open windows, and wants this fixed. She also has concerns about health issues.

Walter Lemek, has lived at 7 Lisa's Way for eight years. He believes that Mr. Pasteryak is not the problem, but it is Miozzi. I came back from Florida for medical reasons and am concerned and wonder if my medical issues are being enhanced by this problem.

Randall Kelly, 19 King Phillip Road, is concerned with diesel fuel and concrete on the ground, being so close to the wetlands. President Cote asked the zoning officer to check out the distance between where the concrete is being washed out of the truck and the natural wetlands. He advised Mr. Kelly that diesel fuel is no longer allowed to be washed onto the ground and has been prohibited for at least four years.

Mrs. Cross, 30 Sandra Circle, said that on April 15 of each year she has to leave her home and go to Connecticut until October because of the odors and the shaking of the house.

Mary Vandervelde, 7 White Oak Drive, is concerned about the children for several reasons beginning with the effects on their health from toxins and their safety due to heavy traffic and no sidewalks on Reservoir Road. We have an obligation to protect them.

Deborah Pagano, 27 Catalpa Way, would also like clarification of dates of operation and grandfathering. She asked about control whether there could be potentially three or four asphalt plants on that property in that industrial complex.

President Cote advised that the property is zoned industrial. As long as proper permits are applied for, I don't think the town could stop another company from going in there, not just an asphalt plant.

Senator Raptakis, 2080 Nooseneck Hill Road, has met with Representative Guthrie, this citizens group and the Director of DEM. Connecticut does have a law that does not permit asphalt plants within 1/3 mile of a school. We can propose more regulations and oversight for Coventry. The neighborhood is very concerned, there is a solution and we have to find it. President Cote told Senator Raptakis that anything he could do at the legislative level would be appreciated. Senator Raptakis advised that he has the resources of the State, the Department of Environmental Management and legislative counsel looking at all rules and regulations.

Attorney William Harsch, Esq., Airport Road, commented that in his experience he has dealt with a number of towns where problems like this have arisen due to the evolution of communities, such as people who move next to farms and don't like the smell. Johnston now is trying to figure things out with the expansion of the landfill.

Solicitor Tobin's opinion closes in saying that he finds no violation of any Town ordinances by the asphalt operation in the community. The town should have reasonable enforcement authority over the complaints that you are hearing here. What you have to go on is the observation of the citizens. You have a big group with some serious problems and we will do everything we can to begin to remedy the conflicts and issues that have arisen.

Charlotte Porter, 26 Sandra Circle complained about noise at 2:30 a.m.

Deborah Pagano, 27 Catalpa Way, called police on December 19 at 3:00 a.m. due to a plant operating. She was told by the police that they do not keep track of how many days are left that they can operate nights.

Town Council meeting

Present: President Gary Cote, Vice-President Kerry McGee, Councilman Jendzejec, Councilman Laboissonniere, Councilwoman Carlson

Town Manager Thomas Hoover, Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant

Moment of Silence in memory of those who lost their lives in the recent Sandy Hook Elementary School tragedy in Newtown, Connecticut

Review of Emergency Evacuation Plan

Motion was made by Vice-President McGee, seconded by Councilwoman Carlson, to approve Town Council minutes of November 26 and December 10, 2012. All voted aye.

President's Comments

President Cote advised of the new school safety plan put into operation with cooperation of the Police and School Departments. After the tragedy in Sandy Hook, our Superintendent called a meeting which included Chief Volpe, Manager Hoover and me. We also had representation from fire departments emergency responders. We are putting a plan together to improve school safety and to put everyone's mind at ease. I requested that police officers be put in elementary schools and that was agreed on by everybody. There is no time frame, just until people began to breathe normally again as they needed a period of time to be able to deal with this. Police are still in the schools and as soon as the final plan is put into place, we will start to take officers out of those settings. We are going to do everything we can to make sure this never happens in Coventry.

REPORT

Report on the impact of amending Chapter 217 of the Coventry Code of Ordinances by Ord. No. 01-11-282 on November 28, 2011 with regard to disabled property owners' tax freeze

Manager Hoover reported that back in November of 2011, the Town Council approved

an amendment to Chapter 217-5 of Article 3. It used to be a situation where if you wanted a disability exemption both people in the household would have to be disabled. More prevalent was that you had to live in the same "residence" for five years. Council changed that ordinance to a requirement where you had to live in the same "town" for the past five years. The major concern if we approved that amendment was that it would open the floodgate and a lot of people would apply for these exemptions. So, the Town Council put in a sunset clause indicating that the amendment would expire in June of 2013; I was asked to give an update to the Town Council in January of 2013 as to what has happened since that amendment was in place. Consequently, only ten additional people have been added as we began with 157 and have expanded by only ten people. All things considered, I would recommend to this Town Council that an ordinance be prepared to make this amendment permanent beyond the sunset date.

Motion made by Councilman Jendzejec seconded by Councilman Laboissonniere to prepare ordinance. All voted Aye.

CONSENT AGENDA

1. Renewal of Private Detective licenses for:
 - a. Kevin Beese, 28 Red Oak Drive
 - b. David Thatcher, Sr., 6 White Pine Road
2. Renewal of Firearms licenses for:
 - a. Mid-State Gun Co., LLC, 15 Sandy Bottom Road, Unit 109
 - b. Hawkins Machine Co., Inc., 374 Hopkins Hill Road
3. Approving tax abatements and additions – December 2012
4. Approving the Budget Calendar for submission of the 2013/2014 fiscal year budget

Motion was made by Councilman Jendzejec seconded by Councilwoman Carlson to approve Consent Agenda. All voted aye.

LICENSES

1. Application by Michael Manish for Live Show Entertainment license at Patriot Bar & Pizza, 2260 Flat River Road

Chief Volpe confirmed that he has no concerns with granting a live show entertainment license at this establishment. Motion was made by Councilman Jendzejec seconded by Councilman Laboissonniere to approve license. All voted aye.

RESOLUTIONS

1. Appointing School Committee Chairperson Katherine M. Patenaude, Citizens Thomas Heatherman and Steven Lopez and a member of the Town Council to the Coventry Public School Building Committee

Motion was made by Vice-President McGee seconded by Councilman Jendzejec to appoint Karen Carlson as Town Council member to the Coventry Public School Building Committee. All voted Aye.

President Cote administered oath of office to Tom Hetherman and Steven Lopez.

2. Appointing Councilman Gregory Laboissonniere to the Sewer Subcommittee

Motion was made by Vice-President McGee seconded by Councilwoman Carlson to approve appointment. All voted aye.

3. Appointing a member of the Town Council to the Coventry Public Education Foundation as a non-voting member

Motion was made by Councilman Laboissonniere seconded by Vice-President McGee to appoint Karen Carlson to the Coventry Public Education Foundation as a non-voting member. All voted Aye.

4. Authorizing the approval of a Memorandum of Understanding with the University Of Rhode Island Graduate School Of Oceanography for the placement of a SODAR wind measurement device at Central Coventry Park

Manager Hoover explained what a SODAR wind measurement device is. He further explained that the URI Graduate School of Oceanography has requested permission to place a SODAR device at Central Coventry Park, measuring the wind for one year. This is a truck mounted device which can easily be placed and operated. There is an area at the park where they could place this device. I feel that this is beneficial to the town and recommend that an agreement be entered for a one year period of time.

President Cote agreed and added that it is a good education tool also. It could open up opportunities in the future for a land lease if the readings come back supporting the development of a wind energy tower on that site. We could possibly be able to create another partnership with a wind development energy company for production of green energy. Could possibly create an opportunity to create further revenue for the Town of Coventry, on property where we garner no revenue. This may be a good revenue tool in the future.

A motion was made by Councilman Laboissonniere seconded by Councilwoman Carlson to approve memorandum. All voted aye.

5. Authorizing the purchase of a new 2012 Dodge Charger marked police vehicle for the Coventry Police Department from central Dodge of Norwood, MA at a price including outfitting with lights, siren, etc. of \$30,283

Chief Volpe advised we will be paying the same price as the last three cars we purchased. The vehicle is fully equipped with everything we need to get it on the road with only just a couple of little wiring issues.

Councilwoman Carlson asked whether there wasn't a RI dealership that we could deal with and Chief Volpe replied that the low bidder was from Central Dodge; however, we have dealt with them in the past and have been happy with their services for years.

Motion was made by Councilman Jendzejec seconded by Vice-President McGee to approve resolution. All voted aye.

6. Authorizing a rental agreement with Cintas Corporation for providing uniforms to the Department of Public Works and the Department of Parks and Recreation at a not to exceed cost per employee of \$10.64 per week

Manager Hoover advised that under the AFCME contract, the town supplies uniforms to the Departments of Public Works and Parks and Recreation.

Mark Robitaille of DPW explained that our current contract has expired and we are looking for a new company that would provide better services. Cintas is located in North Smithfield. We have met with them and their cost will not exceed \$10.64 per person, which is about the same cost as the last contract but the clothes are a better quality, Carhartt. They supply ten pair of pants, ten shirts and ten jackets for that cost. We purchase the sweatshirts, tee shirts and have also purchased the jackets. We need high visibility uniforms and this company is able to provide the pants, shirts and jackets that we want and meet the standards of OSHA and the Department of DOT.

The problem we have now is that our current company is out of state. They come in and pick up clothes, I have no way of knowing what they are taking, they don't use any scan tools or tags. The new company will provide the ability to scan and when they pick up we will know exactly what they take and have receipts of what they return. They provide pickup, repair, laundry and delivery, but not replacement. With this company we would get more quality and service. Manager Hoover added that he recommends approval.

Motion was made by Councilwoman Carlson seconded by Councilman Jendzejec to approve resolution. All voted aye.

7. Condemnation of a permanent easement pursuant to the provisions of Chapter 330 § 14 of the 1997 Public Laws of Rhode Island, as amended, over, under and upon that portion of land at 61 Arizona Street for the purposes of excavation, installation, maintenance and repair of a public sewer line, manholes and appurtenances for 22 Lakeside Drive

Attorney John Brunero was present representing the property owners. He advised that he has met with Manager Hoover, Planning Director Paul Sprague and Engineer Bob Joyal. His client is agreeable to the terms and will deliver an agreement to the Town Manager for recording. Manager Hoover added that if this does not happen, it will be on the January 28th agenda.

A motion was made by Vice-President McGee seconded by Councilman Laboissonniere to table resolution. All voted aye.

PUBLIC HEARING

1. New Class B liquor license with victualling for Dragon Palace of Coventry, LLC, 557 Tiogue Avenue

John Brunero, Esq., attorney representing applicant, was sworn in by Solicitor Tobin.

Motion made by Vice-President McGee seconded by Councilman Jendzejec to open public hearing. All voted aye.

Attorney Brunero stated that his client is applying for a Class B liquor license for 577 Tiogue Avenue. Applicant, Mr. Santilli, owns a Dragon Palace in Richmond and another in Wakefield. The hours of operation will be Sunday through Thursday 11 am to 10 pm; Fridays and Saturdays from 11 am to 11 pm. , with Chinese Asian food. We have submitted certifications for the wait staff and bartenders and have approval from Office of Food Protection. A certificate of good standing has been requested, but not received yet.

President Cote asked if the restaurant is tied into sewers. Attorney Brunero replied that it is not.

Lauren Costa, 15 Pettine Street, has eaten at both locations, Richmond and Wakefield, said the food is fantastic, and is excited for this to come to Coventry.

Motion made by Vice-President McGee, seconded by Councilman Jendzejec to close public hearing. All voted aye.

Motion made by Vice-President McGee seconded by Councilman Jendzejec to approve new Class B liquor license subject to approval of the Board of Health and receipt of a letter of good standing. All voted aye.

2. New Class B liquor license with victualling for Riccotti's Subs Inc., 718 Centre of New England Blvd.

Motion made by Councilman Jendzejec seconded by Councilwoman Carlson to open public hearing. All voted aye.

Applicant Ronald Oates of 60 Dogwood Drive, West Warwick, was sworn in by Solicitor Tobin. Mr. Oates stated that he opened his shop four years ago, we had a beer and wine license. We close at 9 p.m. seven days ad week. However, due to the economy and expenses, we need to be open longer and later. There are three hotels around me and none have restaurants. Being that's the case, I think cocktails would fit in. I just want more options because beer and wine just don't cut it after 9 p.m. It would probably be only Thursday, Friday and Saturdays, just play it by ear. I have had other liquor licenses in Providence. In 20 years, never had a problem. I don't want a nightclub here, or live entertainment. Only want to serve food and have a small bar with a couple of televisions for sports, just want to generate more revenue.

Councilman Laboissonniere stated that Mr. Oakes runs a good business, has known him for years.

Motion was made by Councilman Jendzejec seconded by Councilwoman Carlson to close public hearing. All voted aye.

Motion was made by Councilwoman Carlson seconded by Councilman Laboissonniere to approve Class B license. All voted aye.

ORDINANCES

1. Reducing the interest rate on the amortization of sewer assessments

Motion made by Councilman Jendzejec seconded by Vice-President McGee to open public hearing. All voted aye.

Manager Hoover remarked that he doesn't see why anyone would object to this. We have been talking for a long time about the interest rate on amortization being too high for residents at 8% interest and our desire to move this interest rate down to 6%, which is more in

line with what others are doing with sewer assessments and is also a big help to those who are paying on an amortized basis. This represents about a 17% savings for them.

Councilman Jendzejec suggested amending Chapter 14.7.1 to read for “all” sewer districts rather than for “future” sewer districts.

Councilman Laboissonniere asked when this would go into effect, from 8% to 6%. Solicitor Tobin responded that the ordinance states takes effect upon passage, so it would be at the next billing cycle.

Motion made by Councilman Laboissonniere seconded by Councilman Jendzejec to close public hearing. All voted aye.

Motion made by Vice-President McGee seconded by Councilwoman Carlson to approve ordinance with amendment. All voted aye.

PUBLIC COMMENT

Ron Gizzarelli, 50 Harrington Road, commented that he feels notice of Council meetings should be advertised in the Times. He also hopes that any committees that have been formed will have public hearings so that the public can have their input.

Motion made by Councilman Jendzejec seconded by Vice-President McGee to adjourn meeting. All voted aye.

Town Clerk