

TOWN COUNCIL MEETING

January 24, 2011

5:30 p.m. Work Session – Legislative Delegation, Town Council and School Committee

In attendance were Representatives Jared Nunes, Patricia Morgan, Patricia Serpa, Scott Guthrie, Lisa Tomasso and Michael Chippendale and Senators Nicholas Kettle and Glenford Shibley.

School Committee members present included Chairwoman Katherine Patenaude and School Committee members Thomas Hetherman, Lianne Russell, Nancy Sprengelmeyer and Judith Liner.

Town Council members present were President Gary Cote, Vice-President Kerry McGee, Councilman Ted Jendzjec and Councilman Raymond Spear.

Town Manager Thomas Hoover
Town Solicitor Frederick Tobin

Items for discussion:

- Replacement of the General Nathanael Greene Memorial Bridge
- State budget
- Proposed Legislative actions
- Increasing the limit for settlement bonds
- Extension on fire code mandate at Coventry High School
- Local budget forecasts
- Unfunded state mandates

With regard to anticipated state aid funding, Representative Serpa explained that she has not seen the Governor's budget yet but will forward all correspondence that she receives to Manager Hoover. She advised that the town should count on no increases. Even though the estimates for projected revenues are looking better, the town should proceed with caution.

Neither Representative Serpa nor Senator Shibley have heard anything yet as far as money and agreed that the town should assume no increase, especially since the state has a \$350 million shortfall to close.

Representative Guthrie thinks the town may be forced to change the way it taxes, for example the motor vehicle tax, as doesn't expect more money to be given to the cities and towns.

Representative Tomasso added that it is important that if the tax rate changes, the levy stays the same.

Councilman Spear expressed concern regarding the fire code mandate at the high school. Representative Morgan has proposed legislation for a 5 year extension in West Warwick. The Council is interested in having our Town Solicitor look into requesting an extension. Manager Hoover added that if we could get relief on the sprinkler it would be a big help.

Councilman McGee thinks unfunded mandates should be addressed, and asked the reason behind requiring a reval every three years. Discussion ensued with regard to length of time between revaluations, pros and cons.

President Cote feels that future, unfunded mandates should not be imposed; Councilman Spear added that Rhode Island is the only state with bus monitors, costing the town over \$400,000.

Senator Kettle advised that the State department may issue waivers on mandates, but these won't pass through legislature. Representative Tomasso added that the town needs to be specific with requests for mandate relief.

Mr. Michael Lewis from the RI Department of Transportation updated Council on the Laurel Avenue bridge replacement. Although taking longer than anticipated, a design/build packet is being put together and will be go out within the next 30 days.

President Cote pointed out that not only are citizens being affected with greater response times, but other fire districts are being impacted because they are responding to Anthony's calls.

Mr. Lewis remarked that DOT realizes the impact with regard to response times, and by combining the design and build, we have compressed the time schedule. A temporary bridge structure is not a viable solution, would only be in the way of the construction of the new bridge.

Superintendent Michael Convery asked if there was any information yet about plans to cut school aid. Representative Nunes said not yet and Representative Tomasso added that there are people working to make sure the schools maintain their funding.

School Committee member Hetherman requested that the town is allowed to find its own affordable way to comply with mandates, rather than be told by the State how to do it, for example with the bus monitors.

Chairwoman Patenaude suggested incentives for communities, in order that they could join forces when feasible. She asked when we might know about the need for a supplemental budget. Representative Guthrie responded that numbers should be more solid during the second week in May.

Manager Hoover explained his request for legislation as it pertains to an increase in settlement bonds, from 5% to 10%.

Representative Chippendale requested support for his request to the General Assembly to reinstate the E-Verify program. President Cote asked Manager Hoover to place resolution on the next council agenda.

Motion made by Councilman Spear seconded by Councilman Jendzejec to adjourn work session. All voted Aye.

7:00 p.m. TOWN COUNCIL MEETING

Present: President Gary Cote, Vice-President Kerry McGee, Ted Jendzejec, Raymond Spear

Town Manager Thomas Hoover
Town Solicitor Frederick Tobin

Pledge of Allegiance led by Town Sergeant
Invocation by Councilman Spear
Review of Emergency Evacuation Plan

President's Comments

President Cote apologized to citizens on behalf of the Town Council for anyone whose street was missed or not cleared properly during the last snow storm. We have a plan of action in place now and have brought in outside contractors with heavy equipment to help so that this won't happen again.

Approval of January 10, 2011 Town Council Minutes

Motion made by Councilman McGee seconded by Councilman Spear to approve Town Council minutes of January 10, 2011. All voted Aye.

PROCLAMATIONS

1. Retiring Police Chief, Colonel Ronald DaSilva, was recognized for his dedicated service to the Town of Coventry. Proclamations honoring him for his service to the Town of Coventry were presented by Town Council President Gary Cote, Representative Lisa Tomasso and Representative Jared Nunes.
2. Ms. Stephani Rastelli was present to receive certificate proclaiming the week of February 7 to February 14 as "Congenital Heart Defect Awareness Week"

CONSENT AGENDA

1. Appointment of Councilman Ted Jendzejec to act as the Town Council Liaison to the Rhode Island General Assembly to track legislation affecting the Town of Coventry during his term on Council

When Councilman Spear asked for the reason for this appointment, Councilman Jendzejec replied that the last time he was a member of the Town Council, he tracked legislation and kept an eye on the bills that affected Coventry.

Motion made by Councilman Spear seconded by Councilman McGee to approve appointment. All voted Aye.

RESOLUTIONS

1. Appointments to the Juvenile Hearing Board

Motion made by Councilman Jendzejec seconded by Councilman McGee to reappoint

James Kuipers and Ann Funicello as full members and to appoint Irene Jones and Andrew B. Perra as alternate members. All voted Aye.

Mrs. Jones and Mr. Kuipers were present and sworn into office by President Cote.

2. Appointments to the Tax Assessment Board of Review

Motion made by Councilman Spear seconded by Councilman Jendzejec to reappoint John MacVittie, James J. O'Connor and William McLaughlin. All voted Aye. All were sworn into office by President Cote.

3. Acceptance of the Tentative Agreement between the Town of Coventry and the International Brotherhood of Police Officers (IBPO) and authorizing the Town Manager to enter into the corresponding Collective Bargaining Agreement for the period of July 1, 2009 to June 30, 2012

Motion made by Councilman Spear seconded by Councilman McGee to approve resolution accepting tentative agreement and authorize the Town Manager to enter into agreement. All voted aye.

4. Authorizing the submittal of a Resolution to the Rhode Island General Assembly to change the limit of settlement bond issuance for the Town of Coventry for the purpose of financing remediation of the Coventry landfill

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve resolution. All voted aye.

5. Approval of an agreement with the Town of West Warwick to issue a single annual sewer use bill to Coventry residents

Manager Hoover has spoken with Manager James Thomas in West Warwick and it has been agreed that sewer bills be consolidated into one bill, with Coventry paying West Warwick quarterly.

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve resolution. All voted Aye.

LICENSES

1. Application for a new victualling license for the Main Street Diner, 1532 Main Street (tabled from previous meeting)

Motion made by Councilman McGee seconded by Councilman Jendzejec to remove from table. All vote aye.

Attorney Joel Chase represented applicant Paul Olivieri. Mr. Olivieri was sworn in by Solicitor Tobin.

After discussion pertaining to an amended easement on subject property, Attorney Chase asked that the victualling license and easement are treated as two separate issues since they are unrelated matters. The item on tonight's agenda is a victualling license. We will file the

easement tomorrow.

Councilman Spear remarked that it was the opinion of the previous Town Council that these issues should be handled together because that victualling license would cause a reactivation of the parking facilities. You come before the Town Council tonight for approval on the victualling license, but say the easement will be ready tomorrow. There is no reason why the two shouldn't go together.

President Cote replied that he has spoken with Mr. Olivieri, who stated that he will file the easement tomorrow. Solicitor Tobin has reviewed the amended easement and it does comply with the town's needs, has had a proper survey and the property description is correct. The revised easement has been submitted to the Planning Director, Mr. Sprague.

Motion made by Councilman McGee seconded by Councilman Jendzejec to grant victualling license. Vote taken: 3 Aye; 1 No (Councilman Spear votes no) Motion passes.

2. The Town Council sitting as Liquor Licensing Board regarding the following establishments, for hearing and/or decision:

- a. Sun Lee., Inc.
- b. Chatermike Restaurant Corp

Motion made by Councilman McGee seconded by Councilman Jendzejec to remove Chatermike Restaurant Corporation from the agenda as the liquor and victualling licenses were issued earlier in the day today. All voted aye.

Sun Lee Enterprises, Inc.

Attorney Seth Perlman represented Sun Lee Enterprises. He stated that some progress was made in that \$31,000 was paid to redeem this restaurant (Mai Tai) from foreclosure. They are working on a \$12,000 debt to the state now. An additional two weeks is needed with the state tax administration as the good standing certificate is required in order to reinstate the corporation itself into good standing. Then the town is owed about \$12,000 in taxes in addition to \$1,050 for the license.

Motion made by Councilman Spear seconded by Councilman McGee to suspend license until February 14 and issue a stay until that time to allow more time for all requirements to be met. All voted aye.

Councilman Jendzejec stated that he feels Mr. Lee has had ample time; however, that \$31,000 payment has allowed him to keep the restaurant. If there had been a foreclosure, these other four items wouldn't matter.

PUBLIC HEARING

1. Abandonment of a portion of Gifford Street

Motion made by Councilman Spear seconded by Councilman Jendzejec to open public hearing. All voted Aye.

Ryan DiFranco, 18 Centre Street, was sworn in by Solicitor Tobin and represented by Attorney John Brunero.

Attorney Brunero reviewed map and explained that this property is about 200 feet long and about 30 feet wide in an R-20 zone. It has never been developed and from a planning perspective, never will be. This area is all 5,000 square foot lots. Per RIGL 24-6-1, if the road has ceased to be useful to the public, then this Town Council can abandon the road and it is divided 50/50 with the abutting owners. The Tax Assessor will assess the value and the people who receive this property will pay the Town. Going forward, this will generate taxes that the town hasn't been receiving. The Planning Commission has made a positive recommendation and the abutters are in agreement.

President Cote has visited the area and spoke with neighbors. Improvements have been done on the property that are aesthetically pleasing. President Cote asked Mr. DiFranco if he had placed a barrier on the ground before he made any improvements. Mr. DiFranco replied that he had planned to, but decided against it. He did not use any fill or materials. The grade may have been raised about three inches because of the stone he put down.

Councilman Spear expressed concern that a trailer is located on that site for commercial use. President Cote replied that it is acceptable on residential property to have a dual axle, fully enclosed utility trailer on the property. Solicitor Tobin added that the issue of what can be parked in that location is a zoning matter. Tonight's issue is whether that section of Gifford Street has ceased to be useful to the public.

Manuel Kotkofski, 56 Laurel Avenue, was sworn in by Solicitor Tobin. He asked for a special investigation of illegal operations there, such as clearing land, illegal parking, drainage issues and destroying town property. He believes that Mr. DiFranco is running a commercial business from his home.

Nancy Sprengelmeyer, 26 Taft Street was sworn in by Town Solicitor. Mrs. Sprengelmeyer stated that Mr. DiFranco has done the town a service by improving the appearance of a useless piece of property. She urged Town Council to approve abandonment.

Al Angiolilli, 19 Centre Street, was sworn in by Town Solicitor, lives directly across the street and stated there are no drainage issues.

Jayne DeSesto, 20 Centre Street, was sworn in by Town Solicitor, lives directly next door to Ryan DiFranco and has no problem with this abandonment.

Motion made by Councilman Jendzejec seconded by Councilman McGee to close public hearing. All voted Aye.

Mr. DiFranco will work with Attorney Brunero, Planning Director Paul Sprague and the Tax Assessor to determine fair market value in order for Mr. DiFranco to make payment to the town.

Motion made by Councilman Jendzejec seconded by Councilman McGee to approve abandonment. Vote taken: 3 Aye, 1 Abstain (Mr. Spear abstains as he feels we have not done a satisfactory job in resolving the issues of the residents in the area). Motion passes.

2. Review of the fugitive dust problems in the neighborhood bounded by Johnson's Boulevard to Jade Drive, Arnold Road to Lydia Drive with the Rhode Island Department of Environmental Management

President Cote received a letter from Mr. Vincent Rinaldi, a resident of Lydia Road, complaining about the dust in the area and asking Mr. Cote to look into this.

Jeff Hakanson, 30 Lakeside Drive, said there have been sediment runoff problems with the Centre of New England for twenty years, which has also caused problems for Tiogue Lake. Hope that all agencies involved can work together with the developer and the town to settle these problems. DEM has investigated complaints in the past, but with their reduced staff, it is difficult for them. It would have been much easier years ago to have thrown down loam and seeded.

Jim Jankowski, 45 Lydia Road, said that because of dust, he can't open his back windows or entertain in the back yard. He gets a coating of dust even with the windows closed. Trucks in and out of there kick up dirt clouds. He agrees that it would have been better to loam and seed it years ago.

Planner Paul Sprague advised that this is a pre-existing, non-conforming use, a gravel operation that has been operating since 1964. The Zoning Ordinance went into effect in 1981. This operation does not encompass the entire 400 acres. There has been an agreement with the developer for a 50 foot buffer. President Cote indicated that in places, the buffer has been cut down to less than 25 feet.

According to Mr. Sprague the Zoning Officer has issued notices to Commerce Park Realty, most recently on 12/7/2010, with regard to Lydia Road residents. Mr. Cambio did intend to bring a plan into the office today, but there was a death in his family last night.

Paul Nagy, resident of Lydia Road agreed that ground cover is needed. Four wheelers and dirt bikes stir up a lot of dust. It is an unhealthy situation and gets worse as trees are cut and the buffer becomes smaller.

Davie Choppy, DEM, can issue a citation, but this dust has to be caused by some kind of activity. We need to have our own investigators out there to see the activity causing the dust. DEM has had many interactions with Mr. Cambio in the past. The most recent complaint was in November 2010. When we get a call, by the time we get there with only two investigators in the department, the activity has stopped. If there is air pollution, you can penalize from \$250.00 up to \$10,000.00 a day, depends on the severity.

Connie Schmitt, 36 Lydia Road, is concerned with children from Hopkins Hill School inhaling the dust.

Donald Gauvin, Lydia Road, also complained that he can't use his back porch or pool.

Tracy Bucci, 10 Vero Road, remarked that sometimes dishes have to be washed twice. If they sit for awhile after they're washed, you have to do them all over again, especially in the summer when digging is going on.

Ronald Schmitt, 36 Lydia Road stated that sometimes the sand in the summer is so bad that it looks like a sandstorm.

Debra Behm, 37 Lydia Road, showed pictures of her window sills and yard. She is concerned about the kids at Hopkins Hill School inhaling dust and unable to play outside.

Ron Gizzarelli, Vice-President Tiogue Lake Association, 50 Harrington Road, said that the town engineer used to monitor this property. He is also concerned with the situation at Hopkins Hill School.

Mr. Choppy of DEM again stressed that there is a need to document the activities which are causing the problem.

Cheryl Durand, 25 Lydia Road, commented that if the woods were there, it wouldn't matter, but trees have been completely cut down.

President Cote asked if the police patrol that area and Captain Volpe replied that yes, some of the problems are caused by people who live in that neighborhood with dirt bikes and motorcycles. We have the capability to patrol over there, but it's a detail situation with an overtime issue.

Colonel DaSilva added that the police department does receive occasional complaints about minibikes, etc., but the police do not go in there and chase people around.

Nancy Sprengelmeyer will bring the concerns about Hopkins Hill School to the School Committee at their next meeting, and she urged citizens in the neighborhood to keep calling DEM.

Edward Wilson, 39 Lydia Road, said the problems are getting worse, more trees are being cut down. The worse is when there is no rain, can't keep the pool clean.

Representative Lisa Tomasso, 40 York Drive, witnessed the situation and understands residents' frustration. There has always been a problem at Hopkins Hill School with sand blowing into classrooms.

After a lengthy discussion, this matter will be further reviewed under the direction of the Town Manager.

Motion made by Councilman Spear seconded by Councilman Jendzejec to close public hearing. All voted Aye.

PUBLIC COMMENT

Ron Gizzarelli, 50 Harrington Road, suggested more workshops with the state and the public. Need to raise awareness, if things don't change, taxes will be raised.

Motion made by Ray Spear seconded by Ted Jendzejec to adjourn. All voted aye.

Town Clerk