

TOWN COUNCIL MEETING
February 8, 2010

Present: President Raymond Spear, Vice-President Laura Flanagan, Kenneth Cloutier,
Frank Hyde

Town Manager Thomas Hoover
Town Solicitor Patrick Rogers

Absent: Councilman Glen Shibley

6:30 P.M. Executive Session – RIGL 42-46-5 (a) (1)
For the purpose of discussing the qualifications of individuals who have applied for Municipal
Court Judge

Motion made by Kenneth Cloutier seconded by Frank Hyde to recess to Executive Session.
All voted aye.

7:00 P.M. President Spear convened Town Council meeting

Pledge of Allegiance led by Joshua Brayton, Boy Scout Troop 1
Invocation by Reverend Auld of Summit Baptist Church
Moment of Silence in Memory of Peter Suorsa
Review of Emergency Evacuation Plan

President's Comments

- Arthur Capaldi, Esq. will be reappointed Municipal Court Judge. Motion made by Frank Hyde seconded by Laura Flanagan to move Item #13 (Appointing Municipal Court Judge) up to Item #7a on the agenda. All voted aye.
- President Spear remarked that he recently attended the RI League of Cities and Towns Conference with the Town Manager and gave brief overview and accompanying handout.
- Representative Guthrie wrote to the Town Council requesting support of Bill H-7353 regarding the release of the third quarter car tax reimbursement to cities and towns. He recommends that Coventry join with other communities in filing legal action to recover the funds. Senator Raptakis also sent a letter asking that the Town considers the inclusion of fourth quarter tax payments also. After discussion, Solicitor Rogers recommended that the Town Council wait and place these items on the February 22 Town Council agenda, avoiding any violation of the open meetings law, since these issues did not appear on tonight's agenda.

RESOLUTIONS

1. Appointing member to the Pawtuxet River Authority

Motion made by Laura Flanagan seconded by Frank Hyde to appoint Carl Mattson to the Pawtuxet River Authority. All voted aye.

2. Appointing member to the Tax Assessment Board of Review

Motion made by Kenneth Cloutier seconded by Laura Flanagan to appoint John MacVittie to the Tax Assessment Board of Review. All voted aye.

3. Re-appointing three members to the Juvenile Hearing Board

Motion made by Kenneth Cloutier seconded by Laura Flanagan to reappoint Clint Shurtleff, Irene Jones and Douglas Aldrich to the Juvenile Hearing Board. All voted aye.

4. Appointing member to the Coventry Housing Authority

Motion made by Frank Hyde seconded by Laura Flanagan to appoint Maurice DeGraide to the Coventry Housing Authority. All voted aye.

5. Appointing member to the Sewer Subcommittee

Motion made by Kenneth Cloutier seconded by Laura Flanagan to appoint Judy Simpanen to the Sewer Subcommittee. All voted aye.

6. Appointing two members to the Sewer Assessment Board of Review

Motion made by Kenneth Cloutier seconded by Laura Flanagan to appoint Glen Skurka and Leonard Piette to the Sewer Assessment Board of Review. All voted Aye.

7. Appointing one member to the Coventry Land Trust

Motion made by Frank Hyde seconded by Laura Flanagan to appoint Barbara Foeller to the Coventry Land Trust. All voted aye.

7a. Appointing Municipal Court Judge

Motion made by Laura Flanagan seconded by Frank Hyde to reappoint Arthur Capaldi, Esq. to the position of Municipal Court Judge. All voted aye.

President Spear administered oath of office to all new and reappointed members who were present this evening.

8. Awarding the project engineering contract for Sewer Contract #6 to Weston and Sampson Engineers

The area involved is between Arnold Road, Tiogue Ave. and Lake Tiogue, according to Manager Hoover. Although contract approval was made several weeks ago, this award is to Weston and Sampson for engineering services, inspection and daily observation.

Motion made by Laura Flanagan seconded by Frank Hyde to authorize the Town Manager to enter into an agreement with Weston & Sampson. All voted aye.

9. Revising the pension and health care contribution amounts for the unrepresented class of employees

Manager Hoover explained that this resolution refers to unrepresented employees who are not covered by a collective bargaining agreement. Employee contributions will be 7% of gross wages to the pension plan with a healthcare contribution of 15% of the healthcare premium. Manager Hoover recommends adoption of the resolution and that implementation begin immediately. The estimated savings to the town is \$153,796 per year (\$118,204 pension; \$31,943 healthcare and \$3,649 dental) and affects 32 employees. He further remarked that there is a tentative agreement with the police and negotiations are ongoing with AFSCME.

Motion made by Laura Flanagan seconded by Ken Cloutier to adopt resolution. All voted aye.

10. Implementing a license agreement format as an alternative for handling encroachments in the public right-of-way

Manager Hoover recommends use of a license agreement in situations where appurtenances or structures exist on a public right of way on town property. Although the Town can demand removal, many times it is not practical. Under a license agreement, the record owner is held responsible and the town is held harmless.

Councilman Hyde believes this is a good way to set policy and still handle administratively.

Resident Rick Kalunian asked if the town could charge some type of nominal fee. Manager Hoover has considered a fee, but feels it is not manageable. However, the agreement protects the town from liability.

Councilwoman Flanagan doesn't want people to just think they can build anywhere because they'll get an agreement. Manager Hoover stated that if the situation warranted, he could demand removal of a structure and not issue an agreement.

Solicitor Rogers feels the agreement is simple, efficient and suggested that Council accept the recommendation of the manager. The agreement would be revocable at any time.

Motion made by Laura Flanagan seconded by Frank Hyde to implement license agreement regarding right-of-way encroachments. All voted aye.

11. Supporting Senate Bills 2012 relating to education foundation level school support, 2024 supporting a moratorium on all unfunded mandates and 2033 relating to education

Manager Hoover explained that these bills are products of the Council's joint meeting last week with legislators. They are asking for our support in getting them passed.

Motion made by Frank Hyde seconded by Ken Cloutier to adopt resolution. All voted aye.

12. Supporting House Bills 7068 relating to education – State reimbursement, 7135 relating to education – Caruolo Act and 7236 relating to State affairs and government – mandate relief program

Manager Hoover recommended passage of the resolution, as this is the House version of the Senate bills. Motion made by Laura Flanagan seconded by Ken Cloutier to adopt resolution. All voted aye.

LICENSES

1. New Sewer Contractor's license for Narragansett Improvement Co., 223 Allens Ave., Providence

Motion made by Frank Hyde seconded by Ken Cloutier to approve license. All voted aye.

2. New Private Detective license for David Thatcher, Sr., 6 White Pine Road

Motion made by Laura Flanagan seconded by Kenneth Cloutier to approve private detective license. All voted aye.

3. Application for new victualling license by Dennis Colicchio, Harris Deli, 656 Main St.

Motion made by Frank Hyde seconded by Ken Cloutier to approve victualling license contingent upon recommendation of the Board of Health. All voted aye.

4. Application for Second Hand license by Tammy Lee Schiavone, Home Sweet Home Again, 572 Tiogue Ave

Motion made by Ken Cloutier seconded by Laura Flanagan to grant license. All voted aye.

PUBLIC HEARING

Resolution adopting 2010-2011 Capital Improvement Program

Motion made by Laura Flanagan seconded by Frank Hyde to open public hearing. All voted aye.

Manager Hoover stated the total request is \$15,700,000+. The only difference from the original presentation pertains to the Barbs Hill Bridge (removal of \$47,000, request by Dennis Smith). The Planning Commission has reported that all requests are consistent with the Comprehensive Plan. However, at this time Manager Hoover recommends not funding the Capital Improvement Plan.

There was additional discussion relating to the use of impact fees, and what the fees can be used for other than DPW, Park and Recreation or Schools. Vice-President Flanagan asked Solicitor Rogers to check into that issue, also whether or not impact fees have to be applied to the area from which they came. Manager Hoover suggested holding off on commitment of the impact fees and wait to see how the budget plays out at the FTM.

Cindy Fagan, Planning Commission Vice-chairwoman, 770 Phillips Hill Road, confirmed that by State Law, impact fees can only be used for Parks and Rec., DPW and schools. Further, they are to be applied to the neighborhood from which they came.

Charles Vacca, 124 Fairway Drive, asked if impact fees could be used for the operating budget too.

Mrs. Flanagan asked each department head to outline their most urgent requests for use of the impact fees within the next two weeks.

Motion made by Laura Flanagan seconded by Ken Cloutier to close public hearing. All voted aye.

Motion made by Laura Flanagan seconded by Ken Cloutier to adopt CIP budget resolution. All voted aye.

PUBLIC COMMENT

Colonel DaSilva announced H1N1 clinic at the high school on February 17, 2010 from 3:00 to 8:00.

Resident Kristen Pierson, 8 Nicole Lane, had a complaint regarding a situation on Pine Hill Road and Nicole Lane. Neighbors are traveling through and not stopping at the stop sign. Ms. Pierson is concerned for the safety of the children in the neighborhood and asked if the Town could help in resolving this issue.

Colonel DaSilva said that he has posted officers there and is fining people accordingly.

Dennis Smith, DPW, will put more reflective signage on Nicole Lane; in the warmer weather will paint signs on the road.

President Spear asked School Committee Chairwoman Patenaude how the school spent its \$140,000 of impact fees; Ms. Patenaude stated that she believes it was spent for the benefit of something system-wide.

Motion made by Laura Flanagan seconded by Ken Cloutier to recess to Executive Session at 8:55 p.m. All voted aye.

EXECUTIVE SESSION

RIGL 42-46-5 (a) (1) (2) (5)

1. Discussion and vote regarding acquisition of real property and litigation (Commerce Park)
2. For the purpose of discussing the qualifications of individuals who have applied for boards, commissions and town positions
3. For the purpose of discussing collective bargaining

Motion made by Laura Flanagan seconded by Kenneth Cloutier to adjourn Executive Session, seal minutes of Executive Session and return to regular Town Council meeting. All voted aye.

Town Council returned to regular session to report its action and announce in public session the vote taken in Executive Session.

Members of the Town Council voted 3-0 (Mr. Hyde and Mr. Shibley were absent) in favor of Resolution consenting to Confidential Settlement Agreement and granting authority to the Town manager to execute Settlement Agreement on behalf of the town.

Town Clerk