

TOWN COUNCIL MEETING

February 13, 2012

6:00 PM – EXECUTIVE SESSION

- A. For the purpose of interviewing candidates for the Coventry School Committee and in accordance with Chapter 42-46-4, paragraph (1)
- B. For the purpose of discussing matters pertaining to litigation and in accordance with Chapter 42-46-4, paragraph (2)
 - 1. Springfield Armoury LP V. Picard
- C. For the purpose of reviewing applications for the Sewer Sub-Committee
- D. For the purpose of reviewing applications for the Coventry Land Trust

Motion made by Councilman Jendzejec seconded by Councilman Mattson to recess to Executive Session. All voted Aye.

Motion made by Councilman Jendzejec seconded by Councilman Mattson to resume regular meeting. All voted aye.

Motion made by Councilman Mattson seconded by Councilman Jendzejec to seal minutes of Executive Session. All voted aye.

7:00 PM - TOWN COUNCIL MEETING

Present: Councilman Jendzejec, Councilman Mattson, President Cote

Town Manager Hoover
Town Solicitor Tobin

Absent: Councilman Spear and Vice-President McGee

Pledge of Allegiance led by Town Sergeant
Invocation by Reverend Bove of Cornerstone Church
Review of Emergency Evacuation Plan

President's Comments

President Cote remarked that he is pleased to be a part of tonight's police swearing-in ceremony, commenting that Coventry has one of the best police departments in the State of RI.

- Approval of Town Council Minutes from January 23, 2012

Motion made by Councilman Jendzejec seconded by Councilman Mattson to approve minutes. All voted Aye.

Police Ceremony

Promotions: Lt. John MacDonald promoted to Captain (not present this evening, serving overseas in Kabul)
Sgt. Peter Zalabowski promoted to Patrol Lieutenant
Sgt. Dennis Skorski promoted to Patrol Lieutenant
Officer Benjamin Witt promoted to Patrol Sergeant
Officer Randy Polion promoted to Patrol Sergeant

Newly appointed Patrol Officers: Robert DiCarlo, Jason Jordan, James Poccia

All officers present were administered the oath of office by President Cote.

CONSENT AGENDA

1. Approving the January 2012 tax abatements and additions

Motion made by Councilman Jendzejec seconded by Councilman Mattson to approve Consent Agenda. All voted Aye.

LICENSES

1. Application by Gary Colvin for Second Hand license at 2260 Flat River Road

Applicant Gary Colvin, 17 Wood Street was present. Manager Hoover advised that application is in order but retail sales license must be submitted before it can be issued.

Motion made by Councilman Jendzejec seconded by Councilman Mattson to grant license subject to submittal of retail sales license. All voted Aye.

2. Application by Gendron's Jewelers, 19 Coventry Shoppers Park for Second Hand and Pawnbroker's license

Applicant Mark Gendron of 66 Highland Street, West Warwick was present. President Cote asked him if he was aware that he needed to file a bond with the town for the pawnbroker's license and he replied that he is aware and will see Finance Director Przybyla to file the bond.

Motion made by Councilman Mattson seconded by Councilman Jendzejec to approve licenses subject to filing bond. All voted Aye.

3. Application by Kevin Beese for Private Detective license

Motion made by Councilman Jendzejec seconded by Councilman Mattson to approve license. All voted aye.

PUBLIC HEARINGS

1. Town Council, acting as the Liquor Control Board, considering the Class B liquor license (with victualling, live show and dance licenses) for Chatermike Restaurant Corporation, 446 Tioque Avenue

Manager Hoover advised that this establishment needs another two weeks in order to come into compliance. Motion made by Councilman Jendzejec seconded by Councilman Mattson to table this issue to the February 27 Town Council meeting. All voted Aye.

2. Ordinance amending Zoning Ordinance, Section 454 of Article 4 regarding zoning variances

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

Councilman Jendzejec, who sponsored this amendment, explained the intent of amendment, that a variance cannot be considered or granted if there is a violation recorded on the property by the zoning officer. The violation would have to be released before consideration could be given.

Manager Hoover advised that this ordinance was referred to the Planning Commission for recommendation and they have unanimously recommended approval.

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

Motion made by Councilman Jendzejec seconded by Councilman Mattson to adopt ordinance. All voted aye.

RESOLUTIONS

1. Appointing a member of the Coventry School Committee to fill the unexpired term of Lianne M. Russell, District 3, who has resigned from the Committee, until the next regular election

Motion made by Councilman Jendzejec seconded by President Cote to appoint Frank Hyde to the School Committee to fill the unexpired term of office from District 3, until the next regular election. Vote taken: Councilman Jendzejec and President Cote voted Aye; Councilman Mattson voted Nay. Motion passes. President Cote administered oath of office to Mr. Hyde.

2. Appointing members to the Sewer Sub-Committee

Motion made by Councilman Jendzejec seconded by Councilman Mattson to reappoint William Hall (with term expiration January 2015) and Joseph Spada (alternate member with term expiration January 2013) to the Sewer Subcommittee. All voted aye. President Cote administered oath of office to Mr. Spada.

3. Appointing a member to the Coventry Land Trust

Motion made by Councilman Mattson seconded by Councilman Jendzejec to appoint Parker Capwell to the Coventry Land Trust. All voted aye. President Cote administered oath of office to Mr. Capwell.

4. Transferring \$6,000 from CIP, account # 1-122-4-850-50200, repairs to MacArthur Boulevard Building to account # 1-122-4-850-53000 for emergency roof drain repairs at the Town Hall Annex

Manager Hoover described an emergency situation which occurred at the Town Hall Annex due to a faulty roof drain. The CIP account for building maintenance at MacArthur Blvd. had \$20,000 for repairs that had to be done at MacArthur Blvd. The repairs were done and there is \$15,040 left in the account. The repair at the Town Hall Annex had to be done immediately and we received a quote for \$5,695. Manager Hoover recommends council approval for emergency repairs so that we can transfer \$6,000 and complete the repairs.

Solicitor Tobin indicated that the money may be transferred with permission of the Town Council.

Motion made by Councilman Mattson seconded by Councilman Jendzejec to approve resolution allowing transfer. All voted Aye.

5. Affirming the award of a contract to Milliman to perform an actuarial experience study on the Police and Municipal Pension Plans as required by the Rhode Island Retirement Security Act (RIRSA) at a cost not to exceed \$21,000

In the fall of 2011, the General Assembly passed the Rhode Island Retirement Security Act, requiring every locally administered pension plan in RI to submit an actuarial experience study and an actuarial evaluation by April 1, 2012, not to exceed \$21,000. Manager Hoover recommended Town Council approval. .

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

6. Opposing House Bill No. 7250 which provides that if a successor collective bargaining agreement has not been agreed to by the parties, then the terms & conditions of the old teachers' contract would remain in full force and effect until a new agreement is reached

Councilman Jendzejec asked if this bill only relates to teacher contracts and whether the current contract has a continuation clause in it. Manager Hoover replied it is his understanding that it only relates to teacher contracts and currently there is a continuation clause.

Councilman Jendzejec feels that it's wrong if you are going to oppose it on one end, yet it is part of the present contract.

Motion was made by Councilman Mattson seconded by Councilman Cote to approve resolution. Vote: 2 Aye; Councilman Jendzejec votes Nay. Motion carries.

7. Memorializing the General Assembly to enact legislation authorizing the Town of Coventry to

finance air quality and energy efficiency improvements and other repairs and renovations to school buildings and other municipal buildings in the Town and all attendant expenses, including but not limited to engineering costs, by the issuance of not more than \$5,000,000 bonds, notes and/or other evidences of indebtedness

This bill successfully made it through the Senate last year but failed to get out of committee and through the House. It is a follow up on the energy audit for town buildings as well as the school building. We estimate that we can perform energy improvements and pay all of those costs of the energy improvements through energy savings. There would be no general fund tax money put into this capital improvement. It is required, though, to be done by referendum and we are asking the General Assembly to allow the town to go out for a referendum and get this approved so that we can effect this work and pay for it over time with energy savings. The bill language is rather complicated and was prepared by our bond counsel.

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

8. Authorizing the submittal of an amendment to the RI General Assembly to increase the limit on the issuance of bonds, notes or other evidences of indebtedness to pay for a portion of the cost of the remediation of the Coventry Landfill by raising the principal amount in aggregate so as not to exceed 10% of the total amount of the city or town's most recently adopted municipal budget

Manager Hoover explained that this piece of legislation was submitted last year, approved by the Senate but failed to get out of the House. It is being resubmitted because we are under orders from DEM to remediate our long closed landfill on Arnold Road. We have ownership there of about 28 acres, of which ten acres is the old landfill. There are six major companies that have also been deemed to be responsible for depositing at that landfill. An agreement was struck a couple of years ago that those six companies would pay 40% of the remediation as well as any maintenance for decades ahead; the town will assume the other 60%. We cannot do this under the current state laws, which allow us to only do settlement bonds up to 5% of the current general fund.

The fact of the matter is that we had to enter into a settlement agreement a couple of years ago to get 18 of the 28 acres back from the then current owner and cancel the lease on the rest of the 10 acres, which took up the entire 5% amount. In order for us to pay our portion of the remediation, we need another 5%, so we are respectfully asking the General Assembly to allow the Town of Coventry to make a change from 5% to 10%. This did get a successful approval by the Senate. I felt that the testimony that we provided to the House last year was adequate and well received by the committee, but for one reason or the other did not come out.

Last week the legislative delegation did unanimously voice their approval for this and they are awaiting this resolution to be able to move forward. I anticipate that we will be in a position by the end of this calendar year to have to move forward with this remediation. Right now it is being designed studies are being done at the site.

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

9. That the Town of Coventry shall follow RIGL 44-5-8, as amended by the General Assembly last year, requiring municipalities to require immediate payment of taxes on only a late installment and to impose an interest charge only on that late installment beginning FY 2013 on July 1, 2012

Councilman Jendzejec asked that for this item to be put on the agenda. Manager Hoover explained that administration has taken a position that this was actually not a mandate, but needed approval by the local municipality. In order to accomplish this, it would fly in the face of what was approved at our last FTM, so in order to make it not conflicting, we would ask to begin doing this on July 1, 2012, at the beginning of the fiscal year.

Councilman Jendzejec clarified that this resolution requires the Town of Coventry to only collect interest on the late installment rather than the entire year of interest, as in previous years. After the Financial Town Meeting last June, it was passed by the General Assembly that the town may only collect a late fee on the late installment rather than collect the entire year's worth of interest.

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

10. Affirming the award of contracts for emergency equipment rental services in the

Department of Public Works.

As in previous years, the town asks for bidders for emergency equipment rental services. This year there were three local bidders. Manager Hoover recommended that the bid be awarded to all three bidders (two bids were identical). In the event of emergency repair, we would look to the lowest cost bidders before moving to the third.

President Cote asked the manager that if it became necessary to move to the third one, that we try to obtain those services for the same price as we are paying the other two. Manager agreed.

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

PUBLIC COMMENT

Keith Anderson, 14 Osprey Drive, asked for update on the recent non-teaching school pension situation. President Cote stated that we are currently awaiting a legal opinion. Mr. Anderson asked if it would be included in the actuarial experience study and Manager Hoover replied that the school will have to do their own actuarial study, the same as the town has to do for its two plans. The Town does not administer this plan, it has been administered by a trust, which includes two appointees from the school side and two appointees from the union. President Cote advised that he has been attending meetings with the General Treasurer and the Board appointed to review pensions. There has been discussion, but no decisions made and no answers yet.

Motion made by Councilman Mattson seconded by Councilman Jendzejec to adjourn. All voted aye.

Town Clerk