

## TOWN COUNCIL MEETING

February 14, 2011

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 Coventry Police Honor Guard

Moment of Silence in Memory of Christopher Crawford, Councilman Spear's grandson

Invocation by Fr. Mike from St. Vincent de Paul

Review of Emergency Evacuation Plan

### President's Comments

In honor of Valentine's Day, President Cote acknowledged his wife, thanking her for all of her support throughout almost thirty years of marriage.

### Approval of January 24, 2011 Town Council Minutes

President Cote requested that minutes be corrected, as it was Solicitor Tobin and not President Cote who swore in Paul Oliveiri in the portion of the minutes pertaining to the public hearing on the Main Street Diner.

Motion made by Councilman Spear seconded by Councilman McGee to approve Town Council minutes with correction. All voted Aye.

### Swearing-in Ceremony for new Chief of Police

President Cote administered oath of office to Colonel Bryan Volpe, new Coventry Chief of Police.

### Proclamations

1. Vice-President McGee presented proclamation to Andrew John Cook, congratulating him for his accomplishment in attaining the rank of Eagle Scout.
2. President Cote presented proclamation to Louis Senerchia, retiring from the Department of Public Works, recognizing him for his many years of dedicated service to the Town of Coventry.

### Consent Agenda

1. Resolution releasing bond for Degraide Farm Phase 1C.
2. Approval of Tax Abatements and Additions for the month of January 2011

As requirements of the performance bond have been met, Manager Hoover recommended the final bond release for DeGraide Farm Phase 1C.

Motion made by Councilman Jendzejec seconded by Councilman McGee to approve Consent Agenda. All voted aye.

### Resolutions

1. Establishing an Economic Development Commission

Manager Hoover advised that the Town Council desires the formation of a new Economic Development Commission. The Town Charter authorizes the Town Council to establish the commission, and according to the newly established resolution, the EDC will be a 7 member advisory committee to the Town Council. Membership is appointed by the Town Manager with the advice and consent of the Town Council.

President Cote added that the current Economic Development Commission hasn't met in over a year and a half. The establishment of a new commission would release the current membership of the EDC and appoint a new commission to fulfill those duties. It is in the best interest of the taxpayers to involve small business owners to help with the commission, as no one knows what it takes to attract small business more than someone who is already running a

small business. It would be an asset to have their help, along with the involvement of some private citizens.

Councilman Jendzejec agrees that re-establishing this commission is a great idea, but he thinks that defined meeting times should be established since it's too easy to become complacent and cancel meetings. Councilman Spear expressed concern regarding the initiation of a mandatory, once a month meeting. There could be periods of time when 45 or 50 days between meetings would be more appropriate, especially with the types of tasks this commission may be dealing with. They should not be in violation if they don't meet for 45 or 50 days between meetings.

Solicitor Tobin advised that the Coventry Code of Ordinances, Section 15-14 sets up the Economic Development Commission, requiring regular meetings that "shall be held at least once each month on dates that shall be fixed by the commission."

Manager Hoover stated that the idea was also to have a member of the Town Council on this commission.

Motion made by Councilman Jendzejec seconded by Councilman McGee to adopt resolution establishing an Economic Development Commission. All voted Aye.

2. Authorizing application to the Rhode Island Department of Environmental Management for a Certificate of Approval to participate in the Rhode Island Clean Water Finance Agency Program and

3. Establishing a Low Interest Sewer Connection Loan Program

Manager Hoover indicated to Council that Items #2 and #3 are related. Currently there is a program provided by the State of RI to administer low cost loans to help people in need with replacement of their septic systems. The State has made a similar program available for sewer hook-ups.

Planning Director Paul Sprague gave overview of this program, which is funded by the Clean Water Finance Agency. Under the program, a community may request a line of credit up to \$150,000 to allow its' residents to connect to sewers. This is a loan with 2% interest, serviced by RI Housing, although it would be administered by the municipality. The Town would be responsible for any loan default.

The Planning Department will assist borrowers with the application process by determining their eligibility, the amount to be loaned and certification that the completed tie-in conforms to standards. Documentation is required that the applicant is a homeowner. New construction is not eligible. Loans may be obtained for a period of up to five years.

Solicitor Tobin asked if the \$150,000 is renewable each year and Mr. Sprague replied that this is not a revolving fund. It would be the end of the program unless something changes.

Motion made by Councilman Spear seconded by Councilman Jendzejec to approve resolution authorizing the application to RI DEM to participate in the RI Clean Water Finance Agency Program. All voted aye.

Motion made by Councilman Jendzejec seconded by Councilman Spear to approve resolution establishing a low interest sewer connection loan program. All voted aye.

4. Authorizing the emergency purchase of four (4) snow plows for the Department of Public Works

Manager Hoover explained that 4 new eleven foot plows were purchased for DPW on an emergency basis, for slightly more than \$30,000. After the enormous amounts of snow we received in January, some of the plows became unrepairable. President Cote agrees this was an absolute necessity.

Councilman Spear asked how this would affect the budget; Manager Hoover stated it would not affect the overall budget, only the snow and ice control account.

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

5. Requesting that the Rhode Island General Assembly pass into law measures that would reinstate Governor Carcieri's Executive Order or introduce other measures that would

accomplish the same goals as said order, and to support Attorney General Kilmartin's Initiative Program for Safe Communities

Councilman Jendzejec requested that his prepared statement on this topic be included in the minutes as follows:

I am speaking out against this resolution, "as written."

I can't consciously support a resolution that supports division within our own communities! The E-verify program just created pandemonium and pointless angst within certain communities and did nothing to forward progression towards solving our illegal immigration problems. It only served to further divide our state and increased racial profiling within our state. Simply put, the E-verify program caused more problems than it solved. Attorney General Kilmartin has already placed his order on the law enforcement community by signing an agreement to implement a Federal Program called Secure Communities which joins local, state, and federal law enforcement communities' rolls in enforcement of illegal immigration. I, along with Governor Chafee believe that the immigration issues that face this country is best served on a Federal level.

This resolution that sits here before us is crammed with false information and baseless statistics at best.

For instance:

1. Where do the figures of 20,000 to 40,000 illegal immigrants come from? The census does not count illegal immigrants. These figures are purely estimates of a "National Trend" which can not be attributed to a "Rhode Island trend."
2. We are far from being a sanctuary for illegal immigrants especially with Attorney General Kilmartin's enactment the Secure Communities Program.
3. The loss of countless jobs being otherwise obtained by legal citizens is again a false statement. It's the owners of these businesses that "knowingly" hire illegally that need to be cracked down on.
4. The order does NOT prevent local law enforcement from actively working with ICE as AG Kilmartin has ordered and signed an agreement with the Fed's to work with ICE in the Secure Communities Program.
5. There is absolutely ZERO proof that the lack of State Immigration policies such as E-Verify results in a "severe negative impact" on our economic and social welfare. The fact is, more rules and regulations make it harder on business...not easier. It is also a fact that a vast majority of illegal aliens want to become legitimate however our draconian immigration rules prevent that from happening and only serve to increase illegal immigration.

For these reasons and far too many other reasons to mention, I urge that this council vote against this resolution and send a clear message that this community is not about dividing and conquering but about working as one to solve the issues of THIS community and leaving federal issues for the Federal Government to resolve.

Respectfully submitted,

Ted Jendzejec  
Councilman, District 5

He further stated that the House Labor Committee has tabled this resolution for further study. This council should table it and then take it off the table when the Labor Committee hears it again. Councilman Jendzejec made motion to table resolution. No second.

Councilman Spear asked that the word "and" be inserted between items #2 and #3 under Resolutions; Councilman Jendzejec asked that his statement with regard to Attorney General Kilmartin's Initiative Program for Safe Communities be inserted into minutes.

Councilman Spear feels it would be beneficial for the legislators to know they have Coventry's support and moves for approval of the resolution, seconded by Councilman McGee. Vote taken: Voice vote – Councilman Spear – aye; Councilman McGee – aye; President Cote – aye; Councilman Jendzejec – no.

Manager Hoover clarified that although administration has not recommended this particular resolution, one of our legislators asked that it be put on the agenda. Out of courtesy for that

legislator we put in on the agenda, to be brought forward as a product from last months' legislative discussion, but it is not recommended by the administration.

6. Requesting that the Rhode Island General Assembly pass into law measures allowing by Town Council Resolution the delay in the implementation of any statute or regulation which requires the installation of any fire safety equipment or upgrades in any building over which the Town of Coventry School Committee has jurisdiction or authority for a period of five (5) years

This topic was discussed at last month's Council meeting with legislators and the School Committee. Although West Warwick is attempting a similar measure, our legislative delegation felt it would be more appropriate for Coventry to initiate its' own resolution. Rep. Patricia Morgan provided us with the item she would like to introduce to the General Assembly and asked that we adopt the resolution this evening.

More specifically, the School Dept. has been asked by the fire marshall to improve the sprinkler system as well as alarm system at the high school. Superintendent Convery and the School Committee have indicated that the high school is very safe so it would have no impact on the children or the high school itself to wait. From a budget standpoint, this would be advisable in order to prepare for whatever installation is necessary and would give us more time to budget.

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

### LICENSES

Application for new victualling license by Dave's Marketplace of Coventry, Inc., dba Dave's Marketplace, 23 Coventry Shoppers Park

Representatives of Dave's Marketplace, William Hogan and Robert Fabiano, were present. Mr. Fabiano explained the need for a victualling license as Dave's will have a small café available to shoppers, a kitchen and a hot food bar.

Motion made by Councilman Spear seconded by Councilman McGee to grant license. All voted Aye.

The Town Council welcomed Dave's Marketplace to Coventry.

The Town Council sitting as Liquor Licensing Board regarding Sun Lee Enterprises, Inc.

Manager Hoover updated Council on situation with Sun Lee Enterprises, Inc. (Mai Tai). A payment plan has been worked out with the Tax Collector in that Sun Lee will pay \$1,000 a week. If a payment is missed, they will need to come back to the Town Council. The Council will decide whether to close the business. Solicitor Tobin added that the State of RI has withdrawn their cease and desist order, so this has become strictly a town issue.

Motion made by Councilman Jendzejec seconded by Councilman McGee to table Sun Lee Enterprises, Inc. at this time. All voted Aye.

### PUBLIC HEARING

Application for new Class B Liquor license with victualling by Andrew Catanzaro for Andiamo Restaurant, Inc., 1650 Nooseneck Hill Road

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

Andrew Catanzaro, 891 Tunk Hill Road, Scituate was sworn in by Solicitor Tobin.

Solicitor Tobin advised that previous applicant, John Assalone, has withdrawn his application for a Class B with victualling license at the same location.

Charles Vacca, 124 Fairway Drive, asked for background information on the applicant.

Mr. Catanzaro advised that he is experienced in the restaurant business and currently operates two local establishments: JC's Tavern in West Greenwich and Strikers Bar and Grill in Coventry. He will operate all three establishments.

Scott Crowe, 64 Raymond's Point Road, stated that he supports Mr. Catanzaro as he does a great job with Strikers and JC's. If his new restaurant is run the same way, he should do very well.

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

Motion made by Councilman Jendzejec seconded by Councilman Spear to grant Class B license. All voted Aye.

#### DISCUSSION – Handling citizen complaints

Councilman Jendzejec initiated this topic as he is concerned, as are all the council members, about citizens complaints going unheard by council members. Councilman Jendzejec wanted this issue brought forward in a public forum in order to look for solutions, as there is no system in place for any councilmember to receive complaints from constituents. It is important for council members to stay in touch with the public. Many times, rather than look up contact information for their council representative, citizens just call the direct line to the Town Hall. I have asked the manager and the council president for some kind of a system where residents know that their complaints will be heard by their councilman.

Councilman Spear believes that complaints should be directed to the Town Manager as he is responsible for talking with whatever department or party necessary to resolve issues.

Manager Hoover advised that a complaint form has been made up and each council member will receive a copy weekly from the Town Manager's office.

#### Public Comment

Bob DiPadua, 62 Laurel Avenue, commended the Town Council for the part they played in saving Mai Tai's business and restaurant.

Nancy Sprengelmeyer, 26 Taft Street, gave update on legislation pertaining to all day Kindergarten. Although we believe in all day kindergarten, we are asking that this bill not be passed because it is too expensive and would cost the town over \$2 million to initiate. The legislature has held over the all day Kindergarten bill for further study.

President Cote asked how many communities do not have all day kindergarten and Representative Tomasso responded that seventeen do have all day kindergarten, twelve do not and the rest are somewhere in between.

Representative Guthrie advised that he has submitted two bills with regard to increasing settlement bonds from 5% to 10%; one pertains only to Coventry (H5233) and the other is statewide (H5234).

In addition, he entered legislation to change the revaluation cycle, as it is not healthy for cities and towns the way it is now. Two bills have been submitted; one for a ten year revaluation (H5313) and one for five year (H5314). This would create genuine mandate relief.

Manager Hoover said he will be available to testify at any of the hearings.

Discussion ensued between Representative Tomasso and Manager Hoover regarding settlement bond increase from 5% to 10% as she wants to fully understand before giving her support. Manager Hoover explained that we have already taken advantage of the 5% under current law and issued \$4.4 million already. This other 5% is estimated to produce about \$4.4 million and is essentially for remediation of the landfill, which is required by DEM.

On another issue, Rep. Tomasso is concerned about a public safety issue at the Centre of New England. She witnessed an accident last weekend where the exit was blocked by a trailer truck and people could not get out of the business park. Should be more than one way in and out of there.

Manager Hoover will set up a meeting with Coventry, West Greenwich and East Greenwich, to discuss various ways to open it up and to try to come up with a plan for the future to resolve this. Representative Guthrie suggested speaking with Chief Frank Brown of Hopkins Hill Fire Department as they are called to respond to the Centre of New England on almost a daily basis.

Charles Vacca raised question of crime at the Centre of New England, suggested that the Town Council gets reports from the Police Department.

Denise DeGraide, 27 Linwood, stated that DEM would give Cambio access through the back property, but so far have denied permission to him because he won't comply with DEM regulations.

Rick Kalunian, 607 Blackrock Road, commented that as far as the revaluation situation, you need to be equitable and fair. You can't have someone paying taxes on a house for ten years if the valuation is actually down. That's not fair.

Ron Gizarelli, 50 Harrington Road, believes there is a health and safety issue situation at the Centre of New England. He also suggested more public comment on the agenda so that people can speak on issues before Council votes.

Motion made by Councilman Spear seconded by Councilman McGee to adjourn. All voted aye.

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Town Clerk