

TOWN COUNCIL MEETING
February 23, 2009 - 7:00 p.m.

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Present: Frank Hyde, Raymond Spear, Kenneth Cloutier, Glen Shibley, Laura Flanagan

Interim Town Manager Paul Sprague
Acting Town Solicitor Richard Sherman

Pledge of Allegiance
Invocation by Pastor Campbell
Review of evacuation plan

Approval of Town Council Minutes from February 5 and February 9, 2009

Vice-President Spear requested changes to the February 9, 2009 council minutes as follows:

- 1) Page 1, Paragraph 2: Change to read “two elementary teacher reductions”;
- 2) Page 2, second to the last paragraph where Superintendent DiPietro speaks should read “If it’s in the capital budget, that’s fine, I can use it flexibly..”
- 3) Page 3: Mr. Spear indicated that the minutes do not reflect his position concerning the advertisement of the request for proposals for a search firm regarding the town manager position. The intent was to advertise in time to review and act on by council’s first meeting in March. Based on the way it was advertised, proposals are not due until 3 p.m. on the afternoon of March 9th. With the absence of that in the minutes, it needs to be noted that I am not protected in what I say. Mr. Spear thinks the Council should have an additional meeting early in March to deal with this issue. Councilwoman Flanagan suggested March 10 and Vice-President Spear would like the council consider a meeting for this purpose on March 10.

Motion made by Ray Spear seconded by Glen Shibley to approve minutes of February 5, 2009 and February 9, 2009 with corrections. All voted Aye.

President’s Remarks

President Cloutier requested that the Sewer Subcommittee submit recommendations pertaining to the methodology which should be used in determining sewer assessments. Work session will be on March 23.

David Preston updated the Town Council on Rhodes Technologies’ need to tie in to the Coventry sewer system. This would also require the Town to amend its facilities plan, something that will need to be addressed at an upcoming meeting. DEM will also need a confirmation of the town’s committal to update the plan. Mr. Preston noted that Rhode Island is one of three states in the running to bring in a pharmaceutical company, and that eventually, with this tie-in, we may be able to do that.

CONSENT AGENDA

1. Resolution encumbering \$20,000, approved at 2006 Financial Town Meeting, for Police Department Training Facility
2. Resolution supporting State legislation for mandatory granite curbs on state roads
3. Resolution supporting State legislation on Tax Increment Financing Resolution
4. Resolution supporting State legislation concerning earth removal activities

Regarding Item #1 - Vice President Spear does not want this interpreted as the town going ahead with the development of a police training facility. This resolution segregates this money to another area, so that it does become available when and if the time is appropriate for the purpose which it was established. This is money that was previously approved and if it is not spent, reverts back to the general fund.

Regarding Item 2 - Manager Sprague prepared informational memo; consensus of council was that granite curbing, even though a bit more expensive, required less maintenance,

is more structurally sound, and has a longer life. In addition the State would be liable for the cost of the curbing, not the town.

Motion made by Ray Spear seconded by Frank Hyde to approve Items #1, #2, #4. All voted Aye.

Motion made by Ray Spear seconded by Laura Flanagan to table Item #3 supporting State legislation on Tax Increment Financing Resolution until the next Council meeting. All voted Aye.

RESOLUTIONS

Resolution authorizing temporary suspension of sewer assessment collection for Centre of New England

President Cloutier explained that the temporary suspension of sewer assessment collection pertains to the "Highlands". We are still in litigation. This won't be solved tomorrow and those who are being hurt are the people who are paying these assessments. We are proposing to freeze assessments until June 30, which allow more time to try to settle this litigation.

Councilwoman Flanagan was concerned that the council may be setting a precedent. Solicitor Sherman gave opinion that it would be appropriate to suspend assessments until litigation is settled and is strictly for the people in Highland condos (Phase 1). The resolution limits it to that and it is specific enough to the pending litigation that, as drafted, it is appropriate if you should choose to adopt the resolution. Attorney Sherman also noted that this period could be extended, extend the stay if litigation is not settled and does not believe this sets a legal precedent.

Scott Duckworth thinks this will set a precedent and that the same courtesy should be extended to the taxpayer as the big developer. When the residents bought their homes, the sewer assessments were already in place and that wasn't disclosed to them. They should be suing Mr. Cambio for failing to do proper disclosure.

Motion made by Raymond Spear seconded by Laura Flanagan to table this issue to March 9, 2009 Executive Session. Motion passes 4-1 (Councilman Hyde abstains)

PUBLIC HEARING AND ENSUING ACTION

Zelly's Last Stop Café, 2260 Flat River Road (90 day license review continued from February 9, 2009)

Attorney Daniel Flaherty, 33 College Hill Road, Warwick represented Nicholas Petrarca, owner of Zelly's Last Stop Café. The Class B was granted on November 10, 2008 subject to a 90 day review. Mr. Petrarca has been operating with B Ltd. since August or 2008. Recently an incident occurred at the establishment while it was closed, no customers. The owner fell, hit his head in an icy parking lot and became disoriented. There was no underage drinking, no fights, no problems. Actually, Mr. Petrarca is joining with the town in a program to fight underage drinking. Believe in time this matter will clear itself up.

Colonel DaSilva – That was the only incident and the business was closed at the time. However, the officer on duty indicated that some dispute had taken place and there was a possibility that the proprietor had been drinking.

Motion made by Raymond Spear seconded by Laura Flanagan to extend Class B license another 90 days. All voted Aye.

Application for B Ltd. License, Ricotti's Sandwich Shop, Centre of New England Boulevard

Proprietor, Mr. Ronald Oakes of East Greenwich was present. After being questioned, Mr. Oakes stated that he has prior experience in this business in that he has owned the Back Street Bar and Grill in Providence; Engine Company #2 downtown and Rascal House on Thayer Street. Capacity of Ricotti's will be 24-26 people and will establish a three drink limit.

Councilwoman Flanagan indicated that there was an unanswered question on application regarding whether or not property is mortgaged. Mr. Oakes answer "no".

Motion made by Ray Spear seconded by Laura Flanagan to grant license with amended application. All voted Aye. So voted.

Ordinance pertaining to the removal of Town Council appointees to Town boards, commissions and committees for cause

Attorney Sherman gave overview of ordinance.

Various questions were raised regarding whether or not a conviction is needed to remove a member; if there would be an automatic suspension of a member until a public hearing took place; reinstatement of a member if found not guilty; and further definition of the term "reasonable judgment" found in section (vii).

Councilman Spear pointed out that the town also has agencies, trusts, committees and authorities and wonders if this ordinance, the way it is worded, would cover those other three groups.

Councilwoman Flanagan inquired if this would apply to someone who was already sitting on a board when this was enacted and attorney Sherman pointed out that ordinance would not be retroactive, but would apply to someone appointed tomorrow if it was enacted today. Attorney Sherman suggested that the ordinance should be expanded to eliminate risk and there is no ambiguity. Make further clarifications in language.

Consensus of the Town Council at this time is to table for further study. Motion made by Ray Spear seconded by Frank Hyde to table. All voted Aye.

DISCUSSION - Reconstitution of Economic Development Commission

Councilman Hyde suggested that the council meet with the Planning and Zoning Boards, to make sure everyone is moving in the same direction when putting the EDC together.

Manager Sprague briefed the council on the origins of the EDC, beginning as the IDC. A year or so ago, when TIF was enacted and legislation was adopted, it was required that we establish a redevelopment agency. Ms. Flanagan and Mr. Spear stated that the EDC should also be advisory to the Town Council as well as the Planning Board. It was also noted by Ms. Flanagan that perhaps there should be some language to that effect.

- Mr. Budziak – Anthony Mill should be developed as a business rather than housing.
- Councilwoman Flanagan submitted a recusal, to be put on file, concerning any police negotiations due to husband's employment with police department.
- Joel Johnson, 164 Gough Ave., inquired what is being done so that the current budget is not overrun this year. Don't believe that any current vacancies in town should be filled.

Councilman Hyde supports hiring freeze, not layoffs.

Mr. Vacca – Should be hiring freeze; suggested looking into the use of town vehicles by employees; find way to save on energy costs.

Motion made by Raymond Spear seconded by Laura Flanagan to adjourn Town Council meeting. All voted Aye.

Town Clerk

